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THE

LAW REPORTS.

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The Public General Statutes,

PASSED IN THE

FORTY-FIRST AND FORTY-SECOND YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

1878:

WITH

A LIST OF THE LOCAL AND PRIVATE ACTS,

TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION,

AND A COPIOUS INDEX.

VOL. XIII.

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1878.

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A

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cx. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Birmingham, Lewannick (Cornwall), and Mold (Flint) to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

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cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchenlochan (Kyles of Bute), Carrick Castle (Loch Goil), Conway, Falmouth, Filey, Folkestone, Hythe (Southampton), Margate, Plymouth, Port Seton, Sea View (Isle of Wight), Shanklin, Southend, South Uist, and Walton-on-the-Naze.

cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Ardglass, Boddam, Lochmaddy, Montrose, Southsea, and Youghal.

cxvi. An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan, and to the Burial Grounds of Barnahely and Templerobin in the County of Cork, and to the Town of Tralee, and to Waterworks in the Town of Tralee.

clxii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bournemouth, the Local Government District of Brotton, the Boroughs of Haverfordwest (two) and Liverpool, the Improvement Act District of Llandudno, the Local Government District of Lofthouse, the Lower Thames Valley Main Sewerage District, the Improvement Act District of Middleton and Tonge, the Local Government Districts of Pemberton, Romford, and Tyldesley-with-Shakerley (two), the Borough of Wakefield, the Improvement Act District of West Hartlepool, the Borough of Wigan, and the Local Government Districts of Wilmslow and Workington.

clxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Cardiff Tramways (Extensions), Manchester Corporation Tramways, Manchester Suburban Tramways, and Oldham Borough Tramways.

clxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Abergavenny Union, the Improvement Act District of Bradford (Wilts), the Local Government District of Brigg, the Boroughs of Brighton and Cheltenham, the Local Government District of Ebbw Vale, the Improvement Act District of Leek, the Boroughs of Liverpool and Preston, the Local Government District of St. Columb, the Borough of Tiverton (two), the Local Government District of Tredegar, and the Special Drainage District of Washington.

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clxvi. An Act for authorising the Commissioners of Her Majesty's Treasury to compound the Debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto.

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ccxii. An Act for the appointment of Trustees to maintain certain works executed near the River Corrib, in the county of Galway; and for other purposes.

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ccxxxii. An Act to confirm, with amendments, a Provisional Order made by the Board of Trade under the Tramways Act, 1870, relating to Glasgow and Ibrox Tramway.

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THE

PUBLIC GENERAL STATUTES,

41 VICTORIA.

CHAPTER 1.

An Act to apply the sum of Six million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-eight. [25th February 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 6,000,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1878.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight the sum of six million pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of six million pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

CHAPTER 2.

An Act to raise the sum of Six million pounds by Exchequer Bonds, Exchequer Bills, or Treasury Bills.

[25th February 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 6,000,000*l.* by Exchequer bonds or by Exchequer or Treasury bills.

29 & 30 Vict. c. 25.

40 & 41 Vict. c. 2.

1. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole six million pounds, by the issue of Exchequer bonds, Exchequer bills, or Treasury bills in manner provided by the Exchequer Bills and Bonds Act, 1866, and the Treasury Bills Act, 1877, so, however, that no Exchequer bond shall be made out for any sum less than one hundred pounds.

Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding three years nor less than twelve months from the date of such bond.

Payment of interest and repayment of principal.

2. The interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

The principal money secured by every Exchequer bond issued in pursuance of this Act shall be repaid out of money provided by Parliament for the purpose.

Money raised to be paid into Exchequer.

3. All money raised in pursuance of this Act shall be paid into the Exchequer.

Extension of 29 & 30 Vict. c. 25. as to forgery, &c. to bonds.

4. Section fifteen of the Exchequer Bills and Bonds Act, 1866, (which section relates to the forgery of Exchequer bills,) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Short title. 29 & 30 Vict. c. 25. 40 & 41 Vict. c. 2.

5. This Act may be cited as the Exchequer Bills and Bonds Act, 1878, and together with the Exchequer Bills and Bonds Act, 1866, and the Treasury Bills Act, 1877, may be cited as the Exchequer and Treasury Bills Acts, 1866 to 1878.

CHAPTER 3.

An Act to relieve certain Occupiers of Dwelling-houses from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their under-letting such Dwelling-houses for short terms. [25th February 1878.]

WHEREAS questions have arisen upon the occupation required by the third section of the Representation of the People Act, 1867: 30 & 31 Vict. c. 102.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall be cited for all purposes as the House Occupiers Disqualification Removal Act, 1878. Short title.

2. From and after the passing of this Act every man shall be entitled to be registered and to vote under the provisions of the said section, notwithstanding that during a part of the qualifying period not exceeding four months in the whole he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person. Letting as furnished house for certain periods not to disqualify.

CHAPTER 4.

An Act to extend the hours of Polling at Parliamentary Elections in the Metropolis. [25th February 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. At every election held after the passing of this Act to return a member or members to serve in Parliament for any of the boroughs named in the Schedule to this Act, the poll, if taken, shall commence at eight o'clock in the forenoon and be kept open until eight o'clock in the afternoon of the same day. Hours of polling in metropolitan boroughs.

2. This Act may be cited as the Parliamentary Elections (Metropolis) Act, 1878. Short title.

SCHEDULE.

London.	Greenwich.	Marylebone.
Westminster.	Hackney.	Southwark.
Chelsea.	Lambeth.	Tower Hamlets.
Finsbury.		

CHAPTER 5.

An Act to relieve certain Occupiers of Dwelling-houses in Scotland from being disqualified from the right of voting in the Election of Members to serve in Parliament by reason of their under-letting such Dwelling-houses for short terms. [18th March 1878.]

31 & 32 Vict. c. 48.

WHEREAS questions have arisen upon the occupation required by the third section of the Representation of the People (Scotland) Act, 1868:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act shall be cited for all purposes as the House Occupiers Disqualification Removal (Scotland) Act, 1878.

Letting as furnished house for certain periods not to disqualify.

2. From and after the passing of this Act every man shall be entitled to be registered and to vote under the provisions of the said section, notwithstanding that during a part of the qualifying period not exceeding four months in the whole, he shall by letting or otherwise have permitted the qualifying premises to be occupied as a furnished house by some other person.

CHAPTER 6.

An Act to amend the Glebe Loan (Ireland) Amendment Act, 1875. [18th March 1878.]

38 & 39 Vict. c. 30.
33 & 34 Vict. c. 112.
34 & 35 Vict. c. 100.

WHEREAS by the Glebe Loan (Ireland) Amendment Act, 1875, it is provided that loans may not be made under the Glebe Loan (Ireland) Act, 1870, and the Glebe Loan (Ireland) Amendment Act, 1871, after the thirty-first day of August in the year one thousand eight hundred and seventy-eight, and it is expedient that the time during which loans under the said Acts may be made should be extended for a further limited period:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Short title.

1. This Act may be cited as the Glebe Loan (Ireland) Amendment Act, 1878, and this Act and the Glebe Loan (Ireland) Acts, 1870 to 1875, may be cited together as the Glebe Loan (Ireland) Acts.

Extension of time for making loans.

2. So much of the Glebe Loan (Ireland) Amendment Act, 1875, as limits to the thirty-first day of August in the year one thousand eight hundred and seventy-eight the time during which loans may be made under the Glebe Loan (Ireland) Act, 1870, and the Glebe Loan (Ireland) Amendment Act, 1871, is hereby repealed, and loans may be made under the said Acts until, but not after, the thirty-first day of August which will be in the year one thousand eight hundred and eighty.

CHAPTER 7.

An Act to raise the sum of One million Pounds by Exchequer Bonds, for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight. [18th March 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 1,000,000*l.* by Exchequer bonds.

1. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-eight, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole One million pounds, by the issue of Exchequer bonds in manner provided by the Exchequer Bills and Bonds Act, 1866, so, however, that no Exchequer bond shall be made out for any sum less than one hundred pounds.

29 & 30 Vict. c. 25.

Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding three years nor less than twelve months from the date of such bond.

Payment of interest and repayment of principal.

2. The interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

The principal money secured by every Exchequer bond issued in pursuance of this Act shall be repaid out of moneys provided by Parliament for the purpose.

Payment of money raised to Exchequer.

3. All money raised in pursuance of this Act shall be paid into the Exchequer.

Extension of 29 & 30 Vict. c. 25. as to forgery, &c., to bonds.

4. Section fifteen of the Exchequer Bills and Bonds Act, 1866, (which section relates to the forgery of Exchequer bills,) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Short title.

5. This Act may be cited as the Exchequer Bonds Act, 1878, and the Exchequer Bills and Bonds Act, 1866, and this Act may be cited together as the Exchequer Bonds Acts, 1866 and 1878.

CHAPTER 8.

An Act to enable Local Authorities to acquire and lay out land for Public Parks and Pleasure Grounds in Scotland. [18th March 1878.]

WHEREAS it is desirable to assimilate the laws respecting the acquisition of land by local authorities for certain purposes otherwise than by agreement:

38 & 39 Vict. c. 55. 38 & 39 Vict. c. 49.

And whereas the Public Health Act, 1875, and the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875, contain powers in this respect which may with great advantage be extended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as the Public Parks (Scotland) Act, 1878.

Application of Act and description of local authority.

2. This Act shall apply only to Scotland, and the local authority shall be the local authority of any burgh under the Public Health (Scotland) Act, 1867.

Public Parks, Pleasure Grounds, &c.

Local authorities may provide places of public recreation.

3. From and after the passing of this Act any local authority may purchase or take on lease, lay out, plant, improve, and maintain lands for the purpose of being used as parks, public walks, or pleasure grounds, and may support or contribute to the support of parks, public walks, or pleasure grounds provided by any person whomsoever.

Local authorities may make byelaws.

4. Any local authority may make byelaws for the regulation of any such parks, public walks, or pleasure grounds, and may by such byelaws provide for the removal from such parks, public walks, or pleasure grounds of any person infringing any such byelaw by any officer of the local authority or constable.

Purchase of Lands.

Power to purchase lands.

5. Any local authority may, for the purposes and subject to the provisions of this Act, purchase or take on lease, sell, or exchange any lands, whether situated within or without their district.

Any lands acquired by a local authority in pursuance of any powers in this Act contained, and not required for the purpose for which they were acquired, shall (unless the Secretary of State otherwise direct, and subject to the provision herein-after contained, in the case of lands taken compulsorily,) be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards discharge, by means of a sinking fund or otherwise, of any principal moneys which have been borrowed by such authority on the security or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding

shall be carried to the account of any fund or rate of such local authority.

Provided that where any lands acquired compulsorily under the powers of this Act are not required for the purpose for which they were acquired, it shall not be lawful for the local authority to sell them or any portion thereof in terms of this section, or to let them or any portion thereof for building purposes, until they shall first have offered to sell them or such portion thereof to the person or persons then entitled to the lands from which they were originally severed; and if any person entitled to such pre-emption shall within six weeks after an offer has been made to him in terms of this section intimate his desire to purchase any such lands, and such person and the local authority do not agree as to the price thereof, then such price shall be ascertained by arbitration in manner provided by the Lands Clauses Consolidation (Scotland) Acts.

Regulations as to purchase of lands.

6. With respect to the purchase of lands by a local authority for the purposes of this Act the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Consolidation (Scotland) Acts, to the extent herein-after mentioned, shall be incorporated with this Act:

(2.) The local authority, before putting in force any of the powers of the said Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement, shall publish once at the least of each of three consecutive weeks in the month of October, in some local newspaper circulated in their district, an advertisement describing shortly the nature of the undertaking in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the quantity of lands that they require; and shall further serve a notice in the month of November on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, the local authority may, if they think fit, present a petition to the Secretary of State. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the local authority may, with reference to such lands, be allowed to put in force the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Secretary of State may require:

(4.) On the receipt of such petition and on due proof of the proper advertisements having been published and notices served, the Secretary of State shall take such petition into consideration, and may either dismiss the same or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof:

(5.) After the completion of such inquiry, the Secretary of State may, by provisional order, empower the local authority to put in force, with reference to the lands referred to in such order, the powers of the said Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit, and it shall be the duty of the local authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served.

Provided that the notices by this section required to be given in the months of October and November may be given in the months of September and October; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common may be served on any three or more of such persons on behalf of all such persons.

Power to let lands.

7. Any local authority may, with the consent of the Secretary of State, let for any term any lands which they may possess as and when they can conveniently spare the same.

Provisional Orders by Secretary of State.

As to provisional orders made by Secretary of State.

8. With respect to provisional orders authorised to be made by the Secretary of State under this Act, the following enactments shall be made:

(1.) The Secretary of State shall not make any provisional order under this Act unless public notice of the purport of the proposed order has been previously given by advertisement in two successive weeks in some local newspaper circulating in the district to which such provisional order relates:

(2.) Before making any such provisional order the Secretary of State shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Secretary of State may submit to Parliament for confirmation any provisional order made by him in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills:

(5.) The Secretary of State may revoke, either wholly or partially, any provisional order made by him before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(6.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with:

(7.) Every Act confirming any such provisional order shall be deemed to be a Public General Act.

Costs to be awarded in certain cases.

9. Where any Bill for confirming a provisional order under this Act is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the Committee shall take into consideration the circumstances under which such opposition is made to the Bill, and whether such opposition was or was not justified by such circumstances, and shall award costs accordingly to be paid by the promoters or the opponents of the Bill, as the Committee may think just.

Any costs under this section may be taxed and recovered in the manner in which costs may be taxed and recovered under the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

The decision of the majority of the members of the Committee for the time being present and voting on any question under this section shall be deemed to be the decision of the Committee.

Costs of provisional order.

10. The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Secretary of State, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Secretary of State, the local authority may contract a loan for the purpose of defraying such costs.

Acquisition of Land.

Acquisition of land.

11. The clauses of the Lands Clauses Consolidation (Scotland) Acts with respect to the purchase and taking of lands otherwise than by agreement, shall not, except to the extent set forth in the schedule hereto, apply to any lands taken in pursuance of this Act, but, save as aforesaid, the said Lands Clauses Consolidation (Scotland) Acts, (except sections one hundred and twenty to one hundred and twenty-two, both inclusive, of the Lands Clauses Consolidation (Scotland) Act, 1845,) as amended by the provisions contained in the schedule hereto, shall regulate and apply to the purchase and

8 & 9 Vict. c. 19.

taking of lands in Scotland, and shall for that purpose be deemed to form part of this Act in the same manner as if they were enacted in the body thereof, subject to the provisions following; that is to say,

(1.) This Act shall authorise the taking by agreement any lands which the local authority may require for the purposes of this Act, and it shall authorise the taking by the exercise of any compulsory powers of such lands as are required for the purposes of this Act to be taken compulsorily:

(2.) Whenever the compensation payable in respect of any lands or of any interests in any lands proposed to be taken compulsorily in pursuance of this Act requires to be assessed, such lands or interests shall be valued as if they were lands or interests taken compulsorily under the provisions of the Lands Clauses Consolidation (Scotland) Acts.

Extinction of rights of way and other servitudes.

12. Upon the purchase by the local authority of any lands required for the purpose of carrying this Act into effect, all rights of way, rights of laying down or of continuing any pipes, sewers, or drains on, through, or under such lands or part thereof, and all other rights or servitudes in or relating to such lands, or any part thereof, shall be extinguished, and the solum of such ways, and the property in the pipes, sewers, or drains, shall vest in the local authority, subject to this provision, that compensation shall be paid by the local authority to any persons or bodies of persons proved to have sustained loss by this section, and such compensation shall be determined in the manner in which compensation for lands is determinable under this Act, or as near thereto as circumstances admit.

Expenses.

Separate account to be kept for the purposes of this Act.

13. A separate account shall be kept by the local authority in respect of any transactions under this Act.

The moneys required for the purposes of this Act shall be supplied out of the local rate, or out of moneys borrowed in pursuance of this Act.

The "local rate" shall mean an assessment to be levied and recovered by the local authority along with, but as a separate assessment from, any one of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867.

30 & 31 Vict. c. 101.

Power of borrowing money for the purposes of this Act.

14. Any local authority under this Act may, for the purposes of this Act, borrow any moneys on the security of any lands acquired by them under this Act, and may mortgage such lands to any person advancing such moneys, and it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for the misapplication thereof.

Every local authority borrowing on the credit of such lands as aforesaid may pay out of the local rate the interest of any moneys so borrowed by them.

Any local authority under this Act borrowing any moneys on the security of any lands as aforesaid may execute such instruments by way of security, with such power of sale and other conditions as they think expedient.

Any local authority under this Act shall have the same power of borrowing on the credit of the local rate such sums of money as

they may require for the purposes of this Act as they have under section eighty-six of the Public Health (Scotland) Act, 1867, for the purpose of making, enlarging, or constructing sewers.

Any limit imposed on or in respect of local rates by any Act of Parliament other than this Act shall not apply to any rate required to be levied for the purpose of defraying any expenses under this Act.

Audit of accounts.

15. The accounts of a local authority in any burgh under this Act shall be audited in the same manner, and with the same power in the officers auditing the same, in which the account of the police assessment in such burgh is for the time being required to be audited under any general or local Act.

Byelaws.

Authentication and alteration of byelaws.

16. All byelaws made by a local authority under and for the purposes of this Act shall be signed by the clerk thereof; and any such byelaws may be altered or repealed by subsequent byelaws made pursuant to the provisions of this Act: Provided that no byelaws made under this Act by a local authority shall be of any effect if repugnant to the laws of Scotland or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

17. Any local authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the local authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Confirmation of byelaws.

18. Byelaws made by a local authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Secretary of State, who is hereby empowered to allow or disallow the same as he may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the local authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the local authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

Byelaws to be printed, &c.

19. All byelaws made by a local authority under this Act shall be printed and hung up in the office of such authority, and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same.

Evidence of byelaws.

20. A copy of any byelaws made under this Act by a local authority, signed and certified by the clerk of such authority to be

a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws, without further or other proof.

Places of recreation vested in town councils or other bodies.

21. Where in any burgh or place places of recreation as described in this Act are at present or may become vested in magistrates and town councils or other bodies or trustees for behoof of the community of such burgh or place, all the powers of making and enforcing byelaws conferred by this Act upon local authorities are hereby conferred upon and may be exercised by such magistrates and town council or other bodies or trustees with reference to such places of recreation to the like effect as if they were hereby constituted local authorities.

General Provisions.

Provision where local authority has no seal.

22. Any petition or document proceeding from a local authority may be authenticated by their seal where such authority have a seal, and in any other case by the signature of any two or more members of the local authority, or in such other manner as the Secretary of State may require.

Notices.

Service of notice on the local authority.

23. Any notice required to be served upon the local authority may be lawfully served by delivering the same to the clerk of the local authority, or leaving the same at his office with some person employed there by him.

Authentication of notices served by the local authority.

24. Any notice served by the local authority for the purposes of this Act may be signed by the clerk of the local authority.

Penalties how recovered.

27 & 28 Vict. c. 53.

25. All penalties imposed under this Act shall be recovered before the sheriff of the county in the sheriff court, under the provisions of the Summary Procedure Act, 1864, and all the jurisdiction, powers, and authorities necessary for this purpose are hereby conferred on sheriffs.

Saving Clause.

Relation of local Acts to this Act.

26. Where in any place to which this Act applies any local Act is in force providing for objects the same as or similar to the objects of this Act, the enactments of such local Act may be enforced at the discretion of the local authority either instead of or in concurrence with this Act.

Definitions.

Construction of terms of Act.

27. The expressions herein-after mentioned shall respectively have the meanings hereby assigned to them, unless there is something in the context inconsistent with such meanings; that is to say,

"Secretary of State" means one of Her Majesty's Principal Secretaries of State.

8 & 9 Vict. c. 19.

23 & 24 Vict. c. 106.

"The Lands Clauses Consolidation (Scotland) Acts" shall mean the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860.

"Person" shall include a body of persons, corporate or unincorporate.

"Lands" shall include lands and heritages of any tenure, and any right over land.

"Burgh" shall have the meaning assigned to it in the Public Health (Scotland) Act, 1867.

"Sell" shall include convey by way of feu or contract of ground annual.

"The Court of Session" shall mean either division of the inner house thereof.

"The Treasury" shall mean the Lords Commissioners of the Treasury, or any two of them.

SCHEDULE.

PROVISIONS WITH RESPECT TO THE PURCHASE AND TAKING OF LANDS IN SCOTLAND OTHERWISE THAN BY AGREEMENT, AND OTHERWISE AMENDING THE LANDS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845.

Deposit of Maps and Plans.

1. The local authority shall, before advertising their intention to take lands, cause to be made out and to be signed by their clerk or some other principal officer appointed by them, maps and schedules of all lands proposed to be taken compulsorily (which lands are herein-after referred to as the scheduled lands), together with the names, so far as the same can be reasonably ascertained, of all persons interested in such lands as owners or reputed owners, lessees or reputed lessees, or occupiers.

2. The local authority shall deposit such maps and schedules at the office of the Secretary of State, and shall deposit and keep copies of such maps and schedules at the office of the local authority.

Appointment of Arbitrator.

3. After such deposit at the office of the Secretary of State as aforesaid it shall be lawful for the Secretary of State, upon the application of the local authority, to appoint an arbitrator between the local authority and the persons interested in the scheduled lands, so far as compensation for the same has not been made the subject of agreement.

Proceedings on Arbitration.

4. Before any arbitrator enters upon any inquiry, he shall, in the presence of a justice of the peace, make and subscribe the following declaration; that is to say,—

"I, *A.B.*, do solemnly and sincerely declare that I will faithfully and "honestly, and to the best of my skill and ability, hear and determine the "matters referred to me under the provisions of the Public Parks (Scotland) "Act, 1878.

"*A.B.*

"Made and subscribed in the presence of ."

And such declaration shall be annexed to the award when made; and if any arbitrator, having made such declaration, wilfully act contrary thereto, he shall be guilty of a crime and offence.

5. As soon as an arbitrator has been appointed as aforesaid the Secretary of State shall deliver to him the maps and schedules deposited at his office, and the local authority shall publish once in each of three successive weeks the following particulars:

(*a.*) The appointment of the arbitrator:

(*b.*) The deposit at the office of the local authority of the copies of such maps and schedules as aforesaid, with a description of the situation

of such office, and a statement of the time at which such copies may be inspected by any person desirous of inspecting the same:

(*c.*) A requisition directing the owners of or parties by this Act enabled to sell and convey any of the said scheduled lands, or any interest in such lands, to deliver to the arbitrator, on or before a day fixed by the arbitrator and named in such requisition (and being a day not earlier than twenty-one days from the date of the insertion of the last of such notices), a short statement in writing of the nature of their respective claims.

6. The arbitrator shall, after the expiration of the period within which such claims are required to be delivered to him as aforesaid, and so far as such claims may not be settled by agreement, proceed to inquire into and adjudicate according to the basis provided in this Act upon the compensation to be paid in respect of the scheduled lands and of the several interests in such lands.

7. The arbitrator shall, after due inquiry and examination, frame a provisional award, setting forth the compensation to be paid by the local authority in respect of the several interests in the said scheduled lands.

8. The provisional award shall be deposited at the office of the Secretary of State, and a copy shall be deposited at the office of the local authority.

9. The arbitrator shall cause notice of such award to be given to all persons entitled to compensation under the same, or who have made a claim before such arbitrator as claimants for compensation; the arbitrator shall cause notice to be published once in each of three successive weeks, stating that a copy of the provisional award has been deposited by the local authority, and he shall in the notice of the award given to such persons as aforesaid, and also in the published notice, appoint a time and place or times and places for holding a meeting or meetings to hear objections against such provisional award (the first such meeting to be not earlier than twenty-one days after the last day of publication of the said notice).

10. The arbitrator shall hold such meeting or meetings according to such notices, and thereat hear and determine any objections which may then and there be made to such provisional award, by any person interested therein, or adjourn the further hearing thereof if the arbitrator see fit to a future meeting, and may take any measures which he may deem proper for ascertaining the compensation payable in respect of any such lands, or the justice or propriety of any other matter of such provisional award, and may from time to time, if he see occasion, appoint and hold further meetings for hearing and determining objections to such provisional award, of which further meetings, when not holden by adjournment, notice shall be given in manner herein-before directed.

11. When the arbitrator has heard and determined all such objections, and made such inquiries as he may think necessary in relation thereto, and made such alterations (if any) as he may deem proper in the provisional award, he shall sign and issue a final award accordingly; and thereupon such final award shall be binding and conclusive (subject to the provisions concerning an appeal herein-after contained) upon all persons whomsoever, and no such award shall be set aside for irregularity in matter of form.

12. Such final award as aforesaid shall be deposited at the office of the Secretary of State, and a copy thereof shall be deposited at the office of the local authority, and the local authority shall thereupon publish once in each of three successive weeks notice of the deposit having been made at the office of the local authority of a copy of the award so confirmed, and further notice requiring all persons claiming to have any right to or interest in the lands (the compensation to be paid in respect of which is ascertained by such award) to deliver to the local authority, on or before a day to be named in such notice (such day not being earlier than twenty-one days

from the date of the last publication of the notice), a short statement in writing of the nature of such claim, together with a legal progress of the title deeds of the lands in respect of which the claim is made; and such statement, and an inventory of the title deeds forming such progress, shall be paid for by the local authority.

Payment of Purchase Money.

13. Within thirty days from the delivery of such statement and progress of titles as aforesaid to the local authority, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the lands, estate, or interest claimed by him, deliver to such person, on demand, a certificate stating the amount of the compensation to which he is entitled under the said award.

14. Every such certificate shall be prepared by and at the cost of the local authority, and where any agreement has been entered into as to the compensation payable in respect of the interest of any person in any lands the local authority may, where it appears to them that such person is absolutely entitled, deliver to such person a like certificate.

15. The local authority shall, thirty days after demand, pay to the party to whom any such certificate is given, or otherwise as herein provided in the cases herein-after mentioned, the amount of moneys specified to be payable by such certificate to the party to whom or in whose favour such certificate is given, his or her heirs, executors, or assignees.

16. If the local authority wilfully make default in such payment as aforesaid, then the party named in such certificate shall be entitled to record the same in the books of council and session, or other judge's books competent, and to have a decree interponed thereto, and to be extracted with a view to execution, in the like manner as if a formal clause of registration had been contained therein; and all diligence and execution shall be competent thereon in the like manner and to all effects as upon any bond containing such formal clause of registration; and all moneys payable under such certificates, or to be recovered by such execution and diligence as aforesaid.

17. When and so soon as the local authority have paid to the party to whom any such certificate as aforesaid is given, or otherwise as herein provided in the cases herein-after mentioned, the amount specified to be payable by such certificate to the party to whom or in whose favour the certificate is given, his heirs, executors, or assignees, it shall be lawful for the local authority, upon obtaining such conveyance as herein-after mentioned, from time to time to enter upon any lands in respect of which such certificate is given, and thenceforth to hold the same for the estate or interest in respect of which the amount specified in such certificate was payable.

18. In every case in which any moneys are paid by any local authority under this Act, for such compensation as aforesaid, the party receiving such moneys shall give to the local authority a conveyance of the lands in respect of which such moneys are paid, or of all the estate and interest of such party, and of all parties claiming under or through him, in such lands, and every such conveyance shall be prepared by and at the cost of the local authority.

19. If it appear to the local authority from any such statement and progress of titles as aforesaid, or otherwise, that the party making any such claim as aforesaid is not absolutely entitled to the lands, estate, or interest in respect of which his claim is made, or is under any disability, or if the title to such lands, estate, or interest be not satisfactorily deduced to the local authority, then and in every such case the amount to be paid by the local authority in respect of such lands, estate, or interest as aforesaid shall be paid and applied as provided by the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase money or 8 & 9 Vict. c. 19.

compensation coming to parties having limited interests, or prevented from treating, or not making title.

20. Where any person claiming any right or interest in any lands refuses to produce his title to the same, or where the local authority have under the provisions of this Act taken possession of any lands in respect of the compensation whereof, or of any estate or interest wherein, no claim has been made within one year from the time of the local authority taking possession, or if any party to whom any such certificate has been given or tendered refuses to receive such certificate, or to accept the amount therein specified as payable to him, then and in any such case the amount payable by the local authority in respect of such lands, estate, or interest, or the amount specified in such certificate, shall be paid into any one of the incorporated or chartered banks in Scotland in manner provided by the last-mentioned clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, and the amount so paid into the said bank shall be accordingly dealt with as by the said Act provided.

8 & 9 Vict. c. 19.

21. Nothing herein contained shall prevent the local authority from requiring any further evidence of title respecting any lands included in any such award as aforesaid, in addition to the statement and progress of titles herein-before mentioned, if they think fit, so as the same be obtained at the cost of the local authority.

22. If from any reason whatever the local authority does not deliver the certificate aforesaid to any party claiming to be entitled to any interest in any lands the possession whereof has been taken by the local authority as aforesaid, then the right to have a certificate according to the provisions of this Act may, at the costs and charges of the local authority, be enforced by any party or parties, by application to the Court of Session, in a summary way, by petition, and all other rights and interests of any party or parties arising under the provisions of this Act may be in like manner enforced against the local authority by such application as aforesaid.

Entry on Lands on making Deposit.

23. Where the local authority are desirous, for the purposes of their works, of entering upon any lands before they would be entitled to enter thereon under the provisions herein-before contained, it shall be lawful for the local authority, at any time after the arbitrator has framed his provisional award, upon depositing in any of the banks before mentioned such sum as the arbitrator may certify to be in his opinion the proper amount to be so deposited in respect of any lands authorised to be purchased or taken by the local authority, and mentioned in such provisional award, to enter upon and use such lands for the purposes of this Act, and the arbitrator shall, upon the request of the local authority, at any time after he has framed such provisional award, certify under his hand the sum which, in his opinion, should be so deposited by the local authority in respect of any lands mentioned in such provisional award before they enter upon and use the same as aforesaid, and the sum to be so certified shall be the sum or the amount of the several sums set forth in such provisional award as the sum or sums to be paid by the local authority in respect of such lands, or such greater amount as to the arbitrator, under the circumstances of the case, may seem proper; and, notwithstanding such entry as aforesaid, all proceedings for and in relation to the completion of the award, the delivery of certificates, and other proceedings under this Act, shall be had, and payments made, as if such entry and deposit had not been made; provided that the local authority shall, where they enter upon any lands by virtue of this present provision, pay interest at the rate of five pounds per centum per annum upon the compensation money payable by them in respect of any lands so entered upon, from the time of their entry until the time of the payment of such money and interest to the party entitled thereto, or where, under the provisions of this Act, such compen-

sation is required to be paid into any of the said banks, then until the same, with such interest, is paid into such bank accordingly; and where under this provision interest is payable on any compensation money the certificate to be delivered by the local authority in respect thereof shall specify that interest is so payable, and the same shall be recoverable in like manner as the principal money mentioned in such certificate.

24. The money so deposited as last aforesaid shall be paid into any of the said banks to such account as may from time to time be directed by any regulation or Act for the time being in force in relation to moneys deposited in such bank in similar cases, or to such account as may be directed by any order of the Court of Session, and remain in the bank by way of security to the parties interested in the lands which have been so entered upon for the payment of the money to become payable by the local authority in respect thereof under the award of the arbitrator; and the money so deposited may, on the application by petition of the local authority, be ordered to be invested in Government securities, and accumulated; and upon such payment as aforesaid by the local authority it shall be lawful for the Court of Session, upon the like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the local authority, or, in default of such payment as aforesaid by the local authority, it shall be lawful for the said court to order the same to be applied in such manner as it thinks fit for the benefit of the parties for whose security the same shall so have been deposited.

Appeal.

25. Where the party named in any certificate issued under the provisions herein-before contained of the amount of the compensation ascertained by any award under this Act (or any party claiming under the party so named) is dissatisfied with the amount in such certificate certified to be payable, and such amount exceeds five hundred pounds; and

Where any party claiming any interest in any moneys so paid into bank as aforesaid is dissatisfied with the amount of the price or compensation in respect of which such moneys are paid into bank, and such amount exceeds five hundred pounds; also

Where the local authority is dissatisfied with the amount of compensation which the arbitrator appointed under the provisions of this Act has awarded to be paid by the local authority to any person in respect of any estate or interest in lands, and such amount exceeds the sum of five hundred pounds:

The party dissatisfied may submit the question of the proper amount of compensation to a jury, provided that such party give notice in writing to the other party of their intention to appeal within ten days after notice has been given that the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen—

(1.) Where a certificate has been issued as aforesaid, at the date of the issue of the certificate:

(2.) Where moneys have been paid into the bank, at the date of the payment into bank:

(3.) Where the local authority appeals, at the date of the making of the final award.

26. Where a notice has been given under the Act of an appeal to a jury in respect of compensation for land, a question of disputed compensation required to be determined by a verdict of a jury shall be deemed to have risen within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845, and all the provisions of that Act contained in sections thirty-seven to fifty-five, both inclusive, so far as they are still in force, shall be deemed to apply, except section forty-six: Provided also, that in the construction of the said sections— 8 & 9 Vict. c. 19.

(1.) Where the local authority appeals, that authority shall be deemed

to be the pursuer, and the party entitled to compensation to be the defender; and,

(2.) Where the party claiming compensation appeals, then in case the verdict of the jury is for a sum exceeding the award of the arbitrator, the local authority shall pay to such party the costs of the trial, such costs to be taxed and ascertained in the same manner as costs are by law ascertained in jury trials before the Court of Session; but in case the verdict of the jury is for a sum not exceeding the award of the arbitrator, the party appealing shall pay to the local authority the costs of the trial, to be taxed and ascertained in manner aforesaid:

(3.) Where the local authority is the appellant—

(1.) Notwithstanding the verdict of the jury may be for a sum less than that awarded by the arbitrator, the local authority shall pay to the other party such sum, not exceeding twenty pounds, for the costs of the trial as the sheriff or sheriff substitute before whom the same is tried shall direct; and,

(2.) In case the verdict of the jury is for a sum equal to or exceeding the award of the arbitrator, the local authority shall pay to the other party the costs of the trial, such costs to be taxed and ascertained in manner aforesaid:

(4.) The amount of compensation awarded by the arbitrator shall not be communicated to the jury, but they shall be required to make an independent assessment of the amount of compensation to which the party claiming compensation is entitled.

Costs of Arbitration.

27. The salary or remuneration, travelling or other expenses of the arbitrator, and all costs, charges, and expenses (if any) which may be incurred by the Secretary of State in carrying the provisions of this Act into execution, shall be paid by the local authority; and the amount of such costs, charges, and expenses shall from time to time be certified by the Secretary of State, after first hearing any objections that may be made to the reasonableness of any such costs, charges, and expenses by or on behalf of the local authority; and every certificate of the said Secretary of State certifying the amount of such costs, charges, and expenses, and the amount so certified shall be a debt due from the local authority to the Crown, and shall be recoverable in the same manner as the costs, charges, and expenses contained in any order of the Secretary of State made under section six of the Artizans and Labourers Dwellings Improvement (Scotland) Act, 1875.

38 & 39 Vict. c. 49.

28. It shall be lawful for the arbitrator, where he thinks fit, upon the request of any party by whom any claim has been made before him, to certify the amount of the costs properly incurred by such party in relation to the arbitration, and the amount of the costs so certified shall be paid by the local authority; and if within seven days after demand the amount so certified be not paid to the party entitled to receive the same, such amount shall be recoverable as a debt from such local authority, with interest at the rate of five per centum for any time during which the same remains unpaid after such seven days as aforesaid; but no such certificate shall be given where the arbitrator has awarded the same or a less sum than has been offered by the local authority in respect of such claim before the appointment of the arbitrator.

Miscellaneous.

29. The arbitrator may call for the production of any documents in the possession or power of the local authority, or of any party making any claim under the provisions of this Act, which such arbitrator may think necessary for determining any question or matter to be determined by him under this

Act, and may examine any such party and his witnesses, and the witnesses for the local authority, on oath, and administer the oaths necessary for that purpose.

30. If any arbitrator appointed in pursuance of this Act die, or refuse, decline, or become incapable to act, the Secretary of State may appoint an arbitrator in his place, who shall have the same powers and authorities as the arbitrator first appointed, and upon the appointment of any arbitrator in the place of an arbitrator dying, or refusing, declining, or becoming incapable to act, all the documents relating to the matter of the arbitration which were in the possession of such arbitrator shall be delivered to the arbitrator appointed in his place, and the local authority shall publish notice of such appointment in the Edinburgh Gazette.

31. All notices required by this schedule to be published shall be published in some one and the same newspaper circulating within the jurisdiction of the local authority, and where no form of service is prescribed, all notices required to be served or given by the local authority, under this schedule or otherwise, upon any persons interested in and entitled to sell lands, shall be served in manner in which notices of lands proposed to be taken compulsorily for the purpose of this Act are directed by this Act to be served upon owners or reputed owners, lessees or reputed lessees, and occupiers.

CHAPTER 9.

An Act to apply certain Sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-seven, one thousand eight hundred and seventy-eight, and one thousand eight hundred and seventy-nine. [28th March 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 1,537,047*l.* 6*s.* 5*d.* out of the Consolidated Fund for the service of the years ending 31st March 1877 and 1878.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, the sum of one million five hundred and thirty-seven thousand and forty-seven pounds six shillings and fivepence.

Issue of 12,600,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1879.

2. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine, the sum of twelve million pounds.

Power to the Treasury to borrow.

3. The Commissioners of the Treasury may borrow from time to time on the credit of the said sums, any sum or sums not exceeding in the whole the sum of thirteen millions five hundred and thirty-seven thousand and forty-seven pounds six shillings and fivepence, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1878.

CHAPTER 10.

An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

[16th April 1878.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by Her Majesty and this present Parliament that a body of forces should be continued for the safety of the United Kingdom, and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and thirty-five thousand four hundred and fifty-two men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions:

Number of men to consist of 135,452, including those employed at depôts in United Kingdom, but exclusive of those actually serving in India.

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the beforementioned forces and other persons specified in this Act in their duty, that an exact discipline be observed, and that soldiers who shall mutiny or stir up sedition, or shall desert Her Majesty's service or be guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Articles of War made by Her Majesty to be judicially taken notice of, and copies printed by the Queen's

1. It shall be lawful for Her Majesty to make Articles of War for the better government of Her Majesty's army, which articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same, printed by the Queen's printer, shall as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's

Secretary of State for the War Department to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad: Provided that no person within the United Kingdom of Great Britain and Ireland, or within the British Isles, shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishments as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which shall not accord with the provisions of this Act: Provided also, that nothing in this Act contained shall in any manner prejudice or affect any Articles of War or other matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the authority of the Government of India, respecting officers or soldiers or followers in Her Majesty's Indian army, being natives of India; and on the trial of all offences committed by any such native officer or soldier or follower, reference shall be had to the Articles of War framed by the Government of India for such native officers, soldiers, or followers, and to the established usages of the service.

Printer to be transmitted to judges, &c.

2. All the provisions of this Act and any Articles of War made in pursuance of this Act, shall apply to all persons who are or shall be commissioned or in pay as an officer, whether of the regular forces or the militia, or who are or shall be listed or in pay as a non-commissioned officer or soldier, and to all warrant officers, and to all persons employed on the recruiting service receiving pay, and all pensioners receiving allowances in respect of such service, and to persons who are or shall be hired to be employed in the royal artillery, royal engineers, and to master gunners, and to conductors of stores, and to the corps of royal military surveyors and draftsmen, and to all officers and persons who are or shall be serving in the commissariat and ordnance store departments, and to officers and soldiers serving in the army hospital corps, or the army service corps, and to persons in the War Department, who are or shall be serving with any part of Her Majesty's army at home or abroad, under the command of any commissioned officer, and (subject to and in accordance with the provisions of an Act passed in the thirtieth and thirty-first years of the reign of Her present Majesty, chapter one hundred and ten,) to any out-pensioners of the Royal Hospital, Chelsea, who may be called out on duty in aid of the civil power, or for muster or inspection, or who having volunteered their services for that purpose shall be kept on duty in any fort, town, or garrison, and to all civil officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's establishments in the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, or at foreign stations; and all the provisions of this Act shall apply to all persons belonging to Her Majesty's Indian forces who are or shall be commissioned or in pay as officers, or who shall be listed or in pay as non-commissioned officers or soldiers, or who are or shall be serving or hired to be employed in the artillery or any of the trains of artillery, or as master gunners or gunners, or as conductors of stores, or who

Persons subject to this Act.

are or shall be serving in the department of engineers, or in the corps of sappers and miners, or pioneers, or as military surveyors or draftsmen, or in the ordnance or public works or commissariat departments, and to all storekeepers and other civil officers employed under the ordnance, and to all veterinary surgeons, medical storekeepers, apothecaries, hospital stewards, and others serving in the medical department of the said forces, and to all licensed sutlers, and all followers in or of any of the said forces; provided that nothing in this Act contained shall extend to affect any security which has been or shall be given by any officers, or their sureties, for the due performance of their respective offices, but that all such securities shall be and remain in full force and effect:

And this Act, and any Articles of War made in pursuance of this Act, shall apply to all persons receiving pay as members of the permanent staff of any militia, yeomanry, or volunteer regiment or corps, and to all persons being enrolled in the militia who are attached for purposes of instruction, or otherwise, to a regiment or body of troops of the regular forces, and to all militia recruits and other persons in the militia receiving pay during the period of preliminary training, when the militia battalions to which they belong are not for the time being out for training and exercise, and to any officer of the yeomanry or volunteer forces, whether in receipt of pay or otherwise, during and in respect of the time when with his own consent he may be attached to or doing duty with any body of troops then subject to this Act, whether of the regular, reserve, or auxiliary forces, or to any such officer when ordered on duty by the military authorities, and to all men enrolled in the reserve force when called out for training or exercise, or when kept on duty having volunteered their services, or when called out in aid of the civil power, or when called out on permanent service under Her Majesty's proclamation, and to all men enrolled in the army reserve during and in respect of other periods to the extent and in the manner provided in the one hundred and seventh section of this Act: And all such persons shall, during such periods, and in respect of offences committed during such periods, be deemed to be part of the regular forces for the purposes of this Act in respect of billeting, discipline, trial, and punishment.

Provisions of this Act to extend to Jersey, Guernsey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and as to the provisions for the trial and punishment of officers and soldiers who shall be charged with mutiny and desertion, or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also as to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any soldier or deserter, or who shall cause the colour of any such clothes to be changed, or who shall aid in the escape of a prisoner from a military prison, or who shall introduce forbidden articles into such prison, or shall carry out any

such articles, or who shall assault any officer of such prison, and also as to the provisions for exempting soldiers from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

Colonial and foreign troops in Her Majesty's pay to be subject to provisions of this Act.

4. All officers and soldiers of any troops mustered and in pay which shall be raised and serving in any of Her Majesty's dominions abroad, or in places in possession of or occupied by Her Majesty's subjects under the command of any officer having any commission immediately from Her Majesty, shall be subject to the provisions of this Act and of Her Majesty's Articles of War in like manner as Her Majesty's other forces are; and if such officers and soldiers, having been made prisoners, be sent into Great Britain or Ireland, although not allowed to serve therein, all the provisions of this Act in regard to billeting soldiers shall apply to such officers and soldiers.

Provision as to the militia or yeomanry or volunteer corps or reserve forces. 30 & 31 Vict. cc. 110. 111.

5. Nothing in this Act contained shall be construed to extend to any militia forces or yeomanry or volunteer corps in Great Britain or Ireland, or to the reserve force provided for by the Reserve Force Act, 1867, or to the reserve force provided for by the Militia Reserve Act, 1867, excepting as stated in the second section of this Act, and as herein-after enacted, or where by any Act for regulating any of the said forces or corps the provisions contained in any Act for punishing mutiny and desertion are or shall be specifically made applicable to such forces or corps.

Power to constitute courts-martial.

6. For the purpose of bringing offenders against this Act and against the Articles of War to justice, Her Majesty may from time to time, in like manner as has been heretofore used, grant commissions under the Royal Sign Manual for the holding of courts-martial within the United Kingdom of Great Britain and Ireland, and may grant commissions or warrants under the said Royal Sign Manual to the chief governor or governors of Ireland, the commander of the forces, or the person or persons commanding in chief, or commanding for the time being, any body of troops belonging to Her Majesty's army, as well within the United Kingdom of Great Britain and Ireland and the British Isles as in any of Her Majesty's garrisons and dominions or elsewhere beyond seas, for convening courts-martial, and for authorising any officer under their respective commands to convene courts-martial, as occasion may require, for the trial of offences committed by any of the forces under the command of any such last-mentioned officer, whether the same shall have been committed before or after such officer shall have taken upon him such command: Provided that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas where a field officer is not in command, in which case a captain may be authorised to convene district or garrison courts-martial: Every officer so authorised to convene courts-martial may confirm and cause to be executed, or may suspend, mitigate, or remit the whole or any unexpired portion of the sentence of any court-martial convened by him, or by any officer previously so authorised, according to the terms of his warrant.

Place where offenders may be tried.

7. Any person subject to this Act who shall, in any part of Her Majesty's dominions or elsewhere, commit any of the offences for

which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any part of Her Majesty's dominions or in any other place whereto he may have come or where he may be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Powers of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer or soldier to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service: No sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein; no sentence of penal servitude shall be for a period of less than five years; and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any soldier to such punishments as shall accord with the provisions of this Act: Provided always, that no such district or garrison court-martial shall have power to try a commissioned officer, or a warrant officer holding an honorary commission, or to pass any sentence of death or penal servitude.

Powers of regimental or detachment courts-martial.

10. A regimental or detachment court-martial shall consist of not less than five commissioned officers, unless it is found to be impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any soldier to corporal punishment, or to imprisonment, and to forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in troop ships, &c.

11. In cases of mutiny, and insubordination accompanied with personal violence, or other offences committed on the line of march, or on board any transport ship, convict ship, merchant vessel, or troop ship, not in commission, the offender may be tried by a regimental or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in the immediate command of the troops, provided that the sentence shall not exceed that which a regimental court-martial is competent to award.

Powers of detachment general courts-martial.

12. It shall be lawful for any officer commanding any detachment or portion of troops serving in any place beyond seas where it may be found impracticable to assemble a general court-martial, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which such troops are so serving by any person serving with or belonging to Her Majesty's armies, being under the immediate command of any such officer, to convene a detachment general court-martial, which shall consist of not less than three commissioned officers, for the purpose of trying any such person; and every such court-martial shall have the same powers in regard to sentence upon offenders as are granted by this Act to general courts-martial:

Provided always, that no sentence of any such court-martial shall be executed until the general commanding the army of which such detachment or portion forms part shall have approved and confirmed the same.

As to swearing and summoning of witnesses.

13. All general and other courts-martial shall administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate general, or his deputy, or the person officiating as judge advocate, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested, or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by any affidavit in a summary way, that such witness was arrested in going to or attending upon or returning from such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or being sworn shall refuse to give evidence, or not produce the documents under their power or control required to be produced by them, or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the High Court of Justice in London or in the Court of Queen's Bench in Dublin, or in the Court of Session or sheriff or stewart courts in Scotland, or in courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere respectively, upon complaint made, in like manner as if such witness, after having been duly summoned or subpœnaed, had neglected to attend upon a trial in any proceeding in the court in which such complaint shall be made: It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

Oath to be administered to shorthand writer.

No second trial for the same offence, but revision may be allowed.

14. No officer or soldier who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

15. If any person subject to this Act shall at any time during the continuance of this Act begin, excite, cause, or join in any mutiny or sedition in any forces belonging to Her Majesty's army, or Her Majesty's royal marines, or shall not use his utmost endeavours to suppress the same, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or

intended mutiny shall not, without delay, give information thereof to his commanding officer; or shall hold correspondence with or give advice or intelligence to any rebel or enemy of Her Majesty, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat or enter into any terms with such rebel or enemy without Her Majesty's license, or license of the general or chief commander; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer, or others, to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall desert or attempt to desert Her Majesty's service; or shall leave his post before being regularly relieved; or shall sleep on his post; or shall strike or shall use or offer any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other his superior military officer, being in the execution of his office; all and every person and persons so offending in any of the matters before mentioned, whether such offence be committed within this realm or in any other of Her Majesty's dominions, or in foreign parts, upon land or upon the sea, shall suffer death, or penal servitude, or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or soldier attested for or in pay in any regiment or corps who shall, without having first obtained a regular discharge therefrom, enlist himself in Her Majesty's army, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Judgment of death may be commuted for penal servitude or other punishments.

16. In all cases where the punishment of death shall have been awarded by a general court-martial or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept in penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty, or to the officer commanding as aforesaid; provided that the imprisonment shall not exceed two years, and that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days, the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Embezzlement, &c. of stores punishable by penal servitude, or by fine, imprisonment, &c.

17. Any officer or soldier of Her Majesty's army, or any person employed in the War Department, or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to Her Majesty's army or

for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment, with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies, or in India, where the person sentenced by such court-martial shall be resident, after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences of penal servitude in the United Kingdom.

18. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial shall be carried into execution for the term specified in such sentence or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death passed by any such court, the sentence, together with Her Majesty's pleasure thereupon, shall be notified in writing by the officer commanding in chief Her Majesty's army in Great Britain and Ireland, or by the adjutant general, or by the Secretary of State for the War Department, to any judge of the High Court of Justice in England or of the Queen's Bench, Common Pleas, or Exchequer or other superior court in Ireland, and thereupon such judge shall make an order for the penal servitude of such offender in conformity with such notification, and shall do all such other acts consequent upon such notification as such judge is authorised to do by any Act in force touching the penal servitude of other offenders; and it shall be lawful for any judge of such court in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England; and such order shall be in all respects as effectual in England as though such offender had been convicted in England, and the order had been made by any judge of the High Court of Justice in England; and the person in whose custody such offender shall at that time be, and all other persons whatsoever whom the said order may concern, shall be bound to obey and shall be assistant in the execution thereof, and shall be liable to the same punishment for disobedience to or for interrupting the execution of such order as if the order had been made under the authority of any such Act as aforesaid; and every person so ordered to be kept in penal servitude shall be subject to every provision made by law and in force concerning

persons under sentence of penal servitude; and from the time when such order of penal servitude shall be made every Act in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding and abetting, contriving or assisting in any escape or intended escape, or returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Queen's Bench Division of the High Court of Justice; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and sentence of such offender, and also of the terms on which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same.

As to execution of sentences of penal servitude in the colonies, India, or elsewhere out of Her Majesty's dominions.

19. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's dominions, beyond the seas, or elsewhere, is to be carried into execution for the term specified in such sentence or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, or in his absence by the adjutant general for the time being, if in India to the chief judge or any judge of the chief civil court of the presidency or province where the offender may come or be, and if in any other part of Her Majesty's dominions to the chief justice or some other judge therein, and such judge shall make order for the intermediate custody and penal servitude of such offender; and the offender shall, until handed over in pursuance of any such order to the civil authorities, be detained in military custody, and may be moved in such custody from place to place as circumstances may require; and upon any such order being made it shall be duly notified to the governor of the presidency if in India, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who, on receipt of such notification, shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced, or where he may come or be as aforesaid, in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such presidency or colony; and such offender shall according to such directions undergo the sentence of penal servitude which

shall have been passed upon him either in the presidency or colony in which he has been so sentenced, or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned, and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony, or in the colony or place to which he has been so removed or sent respectively; and elsewhere out of Her Majesty's dominions the officer commanding shall have power to make an order in writing for the penal servitude or intermediate custody of such offender; and such offender shall be liable by virtue of such order to be imprisoned, and kept to hard labour, and otherwise dealt with under the sentence of the court, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in the place where he may be ordered to be kept in such intermediate custody, or in the place to which he may be removed for the purpose of undergoing his sentence of penal servitude. If any prisoner shall be brought to any place in the United Kingdom there to undergo any sentence of penal servitude which has been passed upon him by a court-martial held elsewhere, and the judge's or officer's order herein-before prescribed for his penal servitude and intermediate custody shall not be forthcoming, and the judge advocate general, upon application for that purpose, shall certify that it appears from the original proceedings of the court-martial whereby the prisoner was tried that he has been duly sentenced to penal servitude, and that for anything that appears to the contrary thereon such sentence is still in force against the said prisoner for the period to be stated in such certificate, then it shall be lawful for one of Her Majesty's Principal Secretaries of State, upon consideration of such certificate, to direct, in writing under his hand, that the said prisoner shall be at once removed to a convict prison, and be imprisoned and kept to hard labour according to the sentence stated in such certificate, and thereupon the prisoner shall be removed to such convict prison, and shall be liable to be imprisoned and kept to hard labour, and be otherwise dealt with during the term of his sentence, as if he had been sentenced to a like term of penal servitude by a competent court in the United Kingdom.

A sentence of penal servitude may be commuted for imprisonment, &c.

20. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty, or to the officers commanding as aforesaid; provided that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds

eighty-four days the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Of forfeitures, when combined with penal servitude.

21. Where an award of any forfeiture, or of deprivation of pay or of stoppages of pay, shall have been added to any sentence of penal servitude, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppage of pay to be enforced, mitigated, or remitted, as may be deemed expedient.

Courts-martial may not sentence to corporal punishment in time of peace.

22. No court-martial shall, for any offence whatever committed under this Act during the time of peace within the Queen's dominions, have power to sentence any soldier to corporal punishment; provided, that any court-martial may sentence any soldier to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march, disgraceful conduct, or any breach of the Articles of War; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

23. It shall be lawful for any general, district, or garrison court-martial, in addition to any sentence of corporal punishment, to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed by the Articles of War.

Power to commute corporal punishment for imprisonment, &c.

24. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial it shall be lawful for Her Majesty, or for the general or other officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

Power to commute a sentence of cashiering.

25. It shall be lawful for Her Majesty in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Power of imprisonment by general, garrison, or district courts-martial.

26. A general, garrison, or district court-martial may sentence any soldier to imprisonment, with or without hard labour, and with or without solitary confinement, but such solitary confinement shall not exceed the periods prescribed by the Articles of War.

Power of imprisonment by regimental or detachment courts-martial.

27. Any regimental or detachment court-martial may sentence any soldier to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and with or without solitary confinement not exceeding the periods prescribed by the Articles of War.

As to imprisonment of

28. Whenever sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal

servitude, the court may award a sentence of imprisonment or penal servitude for the offence for which he is under trial, to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded. Whenever Her Majesty, or any general or other officer authorised to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall, at the time of such commutation, be under sentence of imprisonment or penal servitude, it shall be lawful for Her Majesty, or the general or other officer who shall so commute such sentence, to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which any of those punishments could be otherwise awarded.

Offenders already under sentence.

29. It shall be lawful for the Secretary of State for the War Department, and in India for the Governor General in Council, to set apart any buildings now erected or which may hereafter be erected, or any part or parts thereof, as military prisons, and to declare that any building or any two or more buildings shall be, and thenceforth such building or buildings shall be deemed and taken to be, a military prison; and every military prison which, under the provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public prison within the meaning of this Act; and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such military prisons, belong to and may be exercised by the Secretary of State for the War Department, and in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to make, alter, and repeal rules and regulations for the government and superintendence of any such military prison, and of the governor, provost marshal, officers, and servants thereof, and of the offenders confined therein, which said rules and regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to appoint an inspector general and inspectors of military prisons, and a governor or provost marshal, and all other necessary officers and servants for any such military prison, and, as occasion may arise, to remove the governor or provost marshal, officer or servant of any such military prison; and the general or other officer commanding any district or station within which may be any such military prison, or such general or other officer, and such other person or persons as the said Secretary of State, and in India the Governor

Regulations as to military prisons.

General in Council, may from time to time appoint, shall be a visitor or visitors of such prison; and the said Secretary of State, and in India the Governor General in Council, may authorise any general officer commanding to appoint periodically visitors to any military prison within his command; and the said Secretary of State, and in India the Governor General in Council or the general officer so appointing, shall transmit to the visitor or visitors of every military prison established by his authority a copy of the rules and regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such prison; and every inspector, visitor, and governor of any such military prison shall, subject to such rules and regulations as may from time to time be made by the said Secretary of State, or in India by the Governor General in Council, have and exercise in respect of such prison, and of the governor, officers, and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or governor of a county gaol or house of correction may respectively exercise as such: Provided that every inspector of such military prisons, who is also a director of convict prisons, shall have the same power in such military prisons as he has in convict prisons.

As to the custody of military offenders under sentence of court-martial and in other cases.

30. Every governor, provost marshal, gaoler, or keeper of any public prison or of any gaol or house of correction in any part of Her Majesty's dominions shall receive into his custody any military offender, whether of the regular, reserve, or auxiliary forces, under sentence of imprisonment by a court-martial, upon delivery to him of an order in writing in that behalf from the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall specify the offence of which he shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and hour of the day on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any soldier, whether of the regular, reserve, or auxiliary forces, for a period not exceeding seven days, upon delivery to him of an order in writing on that behalf from the officer commanding the regiment, corps, or body of troops to which such soldier shall belong.

As to the removal or discharge of prisoners in certain cases.

31. In the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than the military prisons set apart by the authority of this Act, or in any gaol or house of correction in any part of the United Kingdom, it shall be lawful for the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the district or garrison in which such

prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any public prison other than such military prison as aforesaid, or in any gaol or house of correction in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the general commanding in chief or the adjutant general of Her Majesty's forces in the case of any such prisoner, and for the Commander-in-Chief in India in the case of any prisoner so confined in any part of Her Majesty's Indian dominions, and for the general commanding in chief in any presidency in India in the case of a prisoner so therein confined, and for the officer commanding in chief or the officer who confirmed the proceedings of the court at any foreign station in the case of a prisoner so there confined, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction either within the United Kingdom or elsewhere to some other prison or place either in the United Kingdom or elsewhere, the officer who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for the War Department, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military custody as may be lawfully exercised by any of the military authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases hereinbefore mentioned shall accordingly, on the production of any such

order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place; and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Provision for subsistence.

32. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every soldier imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every soldier, out of the subsistence of such soldier during the period of his imprisonment, in Great Britain and Ireland, one shilling per diem, and in other parts of Her Majesty's dominions such sum as the Secretary of State may order: In all cases where such soldier is sentenced to be discharged or is ordered by the military authorities to be discharged from the army on the completion of his term of imprisonment, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, a further sum not exceeding sixpence per diem, and all of which said sums shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act, shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time: Provided, that for each person so ceasing to be subject to this Act, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice as aforesaid, together with a copy of the order of commitment, a sum not exceeding one shilling and sixpence per diem, which said sum shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.

In India the expenses incurred under the provisions of this section shall be paid in the same manner as the other expenses of such prison, or as may be provided by the laws or regulations to be made in that behalf.

Expiration of imprisonment of soldiers in common gaols.

33. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any offence, civil or military, is a soldier liable to serve Her Majesty on the expiration of his imprisonment, shall forthwith, or as soon as may be, give, if in Great Britain, to the Secretary of State for the War Department, and if in Ireland to the general commanding Her Majesty's forces in Ireland, or if in India to the adjutant general of the army, or to the nearest military authority with whom it may be convenient

to communicate, notice of the day and hour on which the imprisonment of such person will expire; and every such gaoler or keeper is hereby required to use his best endeavours to ascertain and report in all cases where practicable the particular regiment or corps, battalion of a regiment or battery of artillery, to which such soldier belongs, and also whether he belongs to the depôt or the head quarters of his regiment; and in the event of his being a recruit who has not joined, that it may be so stated in his report, together with the name of the place where the man enlisted. In all cases where the soldier in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of State for War, or to the military authorities herein-before referred to.

Apprehension of deserters.

34. Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable or other person to apprehend him, and forthwith bring him before a justice acting for any county, district, city, borough, or place wherein or near to which the place in which he was apprehended is situate; and the justice shall deal with the suspected deserter as if he were brought before him by warrant in accordance with the provisions of an Act passed in the eleventh and twelfth years of Her present Majesty, chapter forty-two, section twenty-one; and upon its appearing to the justice, by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected deserter, that the accused is a deserter, he shall cause him to be conveyed to the head quarters of the regiment or depôt to which he may appear to belong, or to the nearest or most convenient military or police station, or other place legally provided for the confinement of persons in custody, or delivered up to a party of soldiers in charge of a non-commissioned officer, as to the justice may seem most expedient, having regard to the safe custody of such suspected deserter; and the justice shall make a report to the Secretary of State of the persons through whom or by whose means the deserter was apprehended or secured; and for such information, commitment, and report the gaoler or other person into whose custody the accused is committed shall pay at the time of commitment to the clerk to the justice the sum of two shillings; and the Secretary of State, upon receipt of a report of the same, together with a copy of the commitment, shall cause such sum to be repaid to such gaoler or other person so entitled; and upon the report of a justice as aforesaid, the Secretary of State shall cause to be paid to the person or persons by whom or through whose means it shall appear to his satisfaction that the deserter was apprehended and secured, a sum not exceeding forty shillings; and the justice shall in every case transmit, if in the United Kingdom to the Secretary of State, and if elsewhere to the general or other officer commanding, a descriptive return in the form prescribed in the schedule to this Act annexed; and a return purporting to be so made shall be evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be trans-

11 & 12 Vict. c. 42. s. 21.

Transfer of deserters.

ferred by order of the general or other officer commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which it may be desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

As to the temporary custody of deserters in gaols.

35. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any soldier or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the Secretary of State for the War Department, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations.

Desertion of recruits prior to joining their regiments or corps.

36. Any recruit for Her Majesty's army who, having been attested or received pay other than enlisting money, shall desert before joining the regiment or corps for which he has enlisted, shall, on being apprehended, and committed for such desertion by any justice of the peace upon the testimony of one or more witnesses upon oath, or upon his own confession, forfeit his personal bounty, and be liable to be transferred to any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such deserters thus transferred shall not be liable to other punishment for the offence, or to any other penalty except the forfeiture of their personal bounty.

Fraudulent confession of desertion.

37. Any person who shall confess himself to be a deserter from Her Majesty's forces, or from the embodied militia, shall be liable to be taken before any two justices of the peace acting for the county, district, city, burgh, or place where any such person shall at any time happen to be when he shall be brought before them, and on proof that any such confession as aforesaid was false shall by the said justices be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and if, when such person shall be brought before the said justices, it shall be proved to their satisfaction that such confession has been made, but evidence of the truth or falsehood of such confession shall not at that time be forthcoming, such justices within the United Kingdom are hereby required to remand such person in the manner herein-before mentioned, and to transmit a statement of the case and descriptive return to the Secretary of State for the War Department, with a request to be informed whether such person appears to belong or to have belonged to the regiment or corps from which he shall have so confessed himself to have deserted; and a letter from the War Office in reply thereto, referring to such statement, and purporting

to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in evidence against such person, and shall be deemed to be legal evidence of the facts stated therein, and on the receipt thereof the said justices shall forthwith proceed to adjudicate upon the case. In India the authority herein given to two justices may be exercised by one European justice or magistrate.

Furlough in case of sickness.

38. When there shall not be any military officer of rank not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of the corps or detachment to which such non-commissioned officer or soldier belongs, if known, and if not then to the agent of the regiment or corps, in order that the proper sum may be remitted to such non-commissioned officer or soldier, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any soldier from trial and punishment according to the provisions of this Act, for any false representation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

No person acquitted or convicted by the civil magistrate or by a jury to be tried by a court-martial for the same offence.

39. No person subject to this Act, having been acquitted or convicted of any crime or offence by the civil magistrate, or by the verdict of a jury, shall be liable to be again convicted for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class or to the rank of a private soldier by order of the Commander-in-Chief, or in the case of an army schoolmaster by discharge from the service, or loss of the whole or any period of his previous service reckoning towards pension on discharge by order of the Commander-in-Chief, or in the case of a non-commissioned officer by reduction to the ranks by order of the Commander-in-Chief or of the colonel, or in the militia by order of the appointed commandant of the regiment or corps; and all such punishments inflicted on a non-commissioned officer without trial by court-martial shall be reported to the superior officer in command, for the information of the Commander-in-Chief, for review; and whenever any officer or soldier shall have been tried by any court of ordinary criminal jurisdiction, the clerk of such court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the regiment or corps to which such officer or soldier shall belong, transmit to him a certificate setting forth the offence of which the prisoner was convicted, together with the judgment of the court thereon if such officer or soldier shall have been convicted, or of the acquittal of such officer or soldier, and shall be allowed for such certificate a fee of three shillings.

Soldiers liable to be taken out of Her Majesty's service only for felony, misdemeanor, or for debts amounting to 30*l.* and upwards.

40. Any person attested for Her Majesty's army, or serving on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or of misdemeanor, or of any crime or offence other than the misdemeanor of absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting the same, or the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least, over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the facts sworn to, and the day of filing such affidavit; but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever by parol or in writing, or, for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer, as herein-after described; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's service shall be utterly illegal, and null and void, to all intents and purposes; and any judge of any such court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or military necessaries or equipments of such soldier; provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices, duly bound, under

Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

the age of twenty-one years, or to indentured labourers, as hereinafter prescribed.

Officers not to be sheriffs or mayors, &c.

41. No person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland: Provided that the competence or liability of any officer to be nominated to or to hold any of the aforesaid offices shall not be deemed to be affected by reason of the corps to which he belongs being assembled for annual training at the time of his nomination to, or during the period of his tenure of, such office.

Questions to be put to recruits on enlisting.

42. Every person authorised to enlist recruits or to enrol men under any Reserve Force Acts, or to enlist men under any Militia Reserve Acts, shall first ask the person about to be so enlisted or enrolled whether he belongs to any and what force in Her Majesty's service, and also such other questions as the proper authorities may direct to be put to such persons, and in case of a recruit shall immediately after giving him enlisting money serve him with a notice in the form ordered by the Secretary of State for the War Department to be used.

Recruits, when deemed to be enlisted.

43. Every person who shall receive enlisting money in manner aforesaid, knowing it to be such, shall, subject to the provisions herein-after contained, upon such receipt be deemed to be enlisted as a soldier in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

44. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included) but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the army, for the purpose of being attested as a soldier, or of objecting to his enlistment: Provided in the case of recruits for the militia, that nothing contained in the Militia (Voluntary Enlistment) Act, 1875, shall be deemed to affect the validity of the enrolment of any militia recruit who has been enrolled according to the provisions of the Militia Acts thereby repealed, and that hereafter any militia recruit may be attested immediately after enlistment without regard to the interval of twenty-four hours, and by a justice or commissioned officer. And provided that a recruit for the militia in respect of any wilfully false answer given by him to such justice or officer in reply to a question directed to be put by the authorities, shall be deemed to be punishable as if such answer were given before a justice.

38 & 39 Vict. c. 69.

Dissent and relief from enlistment.

45. When a recruit upon appearing before a justice for the purposes aforesaid shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the inspecting field officer of the district, or in the case of a recruit enlisted at the head quarters or depôt of a regiment to the officer commanding the same; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly,

nevertheless, upon repayment of the enlisting money, and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he will be entitled to be discharged, and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of State for the War Department and to the inspecting field officer of the district, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

46. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation ordered by the Secretary of State for the War Department to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and a vagabond; and the answers of the recruits shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration, and taken the said oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and if the recruit make a wilfully false answer to any question so put, he shall be liable to be punished as a rogue and a vagabond; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits, until they have been attested or received pay, not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

47. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person previously to his being attested or enrolled shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, either to attest such recruit as a soldier, or to sentence him to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months.

Attested recruits triable in

48. Any person who shall have been attested or enrolled in the regular army or reserves, and who shall afterwards be discovered to

have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the proper military authorities, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct; and the declaration purporting to be made by such person on his attestation or enrolment in accordance with the regulations of the Secretary of State shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices or before any court-martial, of such person having represented the several particulars as stated in such declaration. A letter purporting to be signed by or on behalf of the Lords of the Admiralty, or the commanding officer of the ship, corps, or regiment to which such person shall appear to have belonged, shall on any trial be evidence of the facts stated therein in relation to the service or discharge of such person.

In some cases either before two justices or before a court-martial.

49. If any recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true; and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment, a justice of any county or borough shall be deemed to be a justice of any other county or borough.

Recruits absconding.

50. If any man while belonging to any regiment or corps of the regular, reserve, or auxiliary forces shall, without being discharged by the proper authorities therefrom, enlist or be enrolled or attempt to enlist or be enrolled in any regiment or corps, whether of the regular, reserve, or auxiliary forces, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial; and in the case of a militiaman who shall have belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days, and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his militia regiment or be deemed to be a soldier in the same manner as if he had not been a militiaman at the time of his attestation: Provided, that every soldier who while belonging to a militia regiment enlisted in Her Majesty's army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the

As to fraudulent re-enlistment.

23 & 24 Vict. c. 9.

date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the Commander-in-Chief, order that he may reckon service for pension from the date of his attestation.

Volunteer permanent staff.

If any non-commissioned officer of the Volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the Volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the Volunteer permanent staff, and not duly delivered up by him; or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the Volunteer permanent staff would have expired; and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the Volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the Volunteer permanent staff, and not duly delivered up by him.

Rules for reckoning service. 30 & 31 Vict. c. 34. 33 & 34 Vict. c. 67.

The sixth section of the Army Enlistment Act, 1867, and the twelfth section of the Army Enlistment Act of 1870, are hereby repealed. In reckoning the service of a soldier, for the purpose of discharge under either of the above-named Acts, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes: Imprisonment under sentence of a civil court, or a court-martial, or detention in respect of trial for an offence of which he is afterwards convicted, desertion or absence without leave exceeding five days or as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Punishment of persons offending against laws relating to enlistment.

51. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's army shall be liable to be tried for such offence before a general, district, or garrison court-martial, and to be sentenced to such punishments other than death or penal servitude as such courts may award.

Enlistment and re-enlistment, and transfer to another corps abroad.

52. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, and in any colony for any other person duly authorised in that behalf by the governor or officer administering the government of such colony, and beyond the limits of Her Majesty's dominions for any British consul or person duly exercising the authority of a British consul, and in Her Majesty's

dominions in India for any person duly authorised in that behalf by the Governor-General or lieutenant governor or other officer administering the government of any presidency, division, or province, and within the territories of any foreign state in India for the person performing the duties of the office of British resident therein, and for any other person duly authorised in that behalf by the Governor General, to enlist and attest or to re-engage within the local limits of their several authorities any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's army; and it shall be lawful, notwithstanding anything contained in the statute twenty-third and twenty-fourth Victoria, chapter one hundred, for any person so authorised in Her Majesty's dominions in India, or within the territories of any foreign state in India, to enlist and attest within the local limits of his authority any persons desirous of enlisting in Her Majesty's Indian forces. Any such magistrate or person as aforesaid shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; but no such magistrate or other person authorised to enlist and attest as above mentioned shall be a general officer or hold any regimental commission; and all such appointments, past and future, and everything done or to be done under them, shall be valid and of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; and any person so attested shall be deemed to be an attested soldier. 23 & 24 Vict. c. 100.

53. When any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorised by the officer commanding in chief at such station to receive as transfers as many of the soldiers belonging to the corps leaving the station as shall be willing and fit for service for any corps appointed to remain; and every soldier so transferred is hereby deemed to be discharged from his former corps, and an attested certificate of transfer shall be delivered to the soldier. Soldiers willing may be transferred to succeeding corps.

54. It shall be lawful for the Commander-in-Chief, and on any foreign station for the general or other officer commanding at such station, to direct that any soldier attested for any one branch of the service shall, on the application of his commanding officer, and with his own consent, be transferred to some other branch of the service or to some other regiment or corps in the same branch of the service, either within the United Kingdom or elsewhere; and every soldier so transferred shall be deemed to be discharged from his former corps, and shall have a certificate of transfer delivered to him: Provided always, that any soldier who may be employed as a warrant officer not holding an honorary commission, or in the corps of armourer sergeants, or the army hospital corps, or the army service corps, shall be liable, by order of the military authorities above mentioned, to be re-transferred to his former corps, or to any other corps on the station on which he is serving at the time, for misconduct, unfitness, or any other reasonable cause: Provided also, that any staff clerk or other non-commissioned officer or soldier on the staff of the army may be transferred to any corps serving at the station at the time of his removal from staff employ: Provided also, that upon the conviction by court-martial of any Soldiers may be transferred from one service to another

soldier of the crime of desertion, the officer commanding in chief Her Majesty's forces may, and if the court-martial has been held at a foreign station the officer commanding in chief Her Majesty's forces at such foreign station may, order such soldier to serve in any regiment or corps.

Re-engagement of soldiers for a further term.

55. Any soldier who being in army service has commenced the last year of his first term of enlistment, or who being within three years of the expiration of his first term of enlistment, has been ordered, but has not yet proceeded on foreign service, may, with the approval of his commanding officer, or other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment; and any soldier who has completed a total period of twenty-one years service may, with the approval of the competent military authorities, continue to serve beyond such total period, under the provisions of the tenth section, Army Enlistment Act, 1870; and any person who has been a soldier, and who has received his discharge, may also be so re-engaged upon making a declaration, in the form ordered by the Secretary of State for the War Department to be used, before any one of Her Majesty's justices of the peace in Great Britain or Ireland, or if not in Great Britain or Ireland before any person duly appointed to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's service: Provided always, that in reckoning service under the original enlistment or re-engagement of a soldier the boon service granted by the general order of the Governor General of India, dated twelfth of October one thousand eight hundred and fifty-nine, shall be reckoned as actual service, and allowed towards pension and discharge: Provided also, that every soldier now serving who belonged to the garrison which defended Lucknow, or to the garrison which defended the Alumbagh, before the advance of any portion of the forces under the late Lord Clyde in one thousand eight hundred and fifty-seven, shall be allowed to reckon one year's service towards the performance of his limited engagement, and also towards pension on discharge: Provided also, that every soldier who volunteered into Her Majesty's army from any embodied regiment of militia between the thirty-first of December one thousand eight hundred and fifty-five and the twenty-first of March one thousand eight hundred and sixty-one inclusive, or from the disembodied militia during the last week of the training of his regiment in the year one thousand eight hundred and fifty-eight, and who had rendered previous to volunteering six months embodied or disembodied militia service, shall be allowed to reckon towards good-conduct pay and pension, and towards the completion of his limited engagement of service in Her Majesty's army, half the embodied service which he had rendered in the militia after attaining the age of eighteen.

33 & 34 Vict. c. 67.

Boon service to be reckoned.

Enlistment of negroes.

56. All negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service,

and be entitled to all the privileges of natural-born subjects; and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily enlisted to serve as soldiers in any of Her Majesty's colonial forces.

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

57. Any person duly bound as an apprentice in Great Britain or Ireland, or as an indentured labourer in any of Her Majesty's colonies or possessions abroad, who shall enlist as a soldier in Her Majesty's army, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice or indentured labourer as aforesaid, shall be deemed guilty of obtaining money under false pretences, if in England or in Ireland, or in the colonies or possessions aforesaid, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, or of his indenture as a labourer, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in Her Majesty's army according to the terms of the enlistment, and if on the expiration of his apprenticeship, or of his indenture as a labourer, he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's army; and no master shall be entitled to claim an apprentice or an indentured labourer as aforesaid who shall enlist as a soldier in Her Majesty's army, or shall be serving in the embodied militia, unless he shall, within one calendar month after such apprentice or indentured labourer shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and shall produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed, and unless such apprentice shall have been bound, if in England, for the full term of five years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture was so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service, or of any indentured labourer in Her Majesty's colonies or possessions abroad, shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice or indentured labourer may have been bound for a less term than

Claims of masters to apprentices.

five or four years as aforesaid: Provided also, that any master who shall give up the indentures of his apprentice or of his labourer as aforesaid within one month after the enlisting of such apprentice or indentured labourer shall be entitled to receive to his own use so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice or an indentured labourer.

Punishment of apprentices enlisting.

58. No apprentice or indentured labourer claimed by his master as aforesaid shall be taken from any corps or recruiting party, except under a warrant of a justice residing near, and within whose jurisdiction such apprentice or indentured labourer shall then happen to be, before whom he shall be carried; and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice or indentured labourer; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice or indentured labourer may deliver him to his master.

Removal of doubts as to attestation of soldiers.

59. No person who shall, for six months either before or after the passing of this Act, have received pay and been borne on the strength and pay list of any regiment or corps, or depôt or battalion of a regiment or corps (of which the last quarterly pay list, if produced, shall be evidence), shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be; and no person shall be exempted from the provisions of this Act or of the Articles of War for the time being by reason only that the number of the forces for the time being in the service of Her Majesty is either greater or less than the number herein-before mentioned.

Authorised deductions only to be made from the pay of the army.

60. No Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred

and seventy-eight, other than the usual deductions, or such other necessary deductions as shall from time to time be authorised or required by Her Majesty's regulations or Articles of War, or by statute twenty-six and twenty-seven Victoria, chapter sixty-five, section eight (Volunteer Act), or by Her Majesty's order signified by the Secretary of State for the War Department; and every paymaster or other officer who having received any officer's or soldier's pay shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by Her Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hundred pounds, and the informer, if a soldier, shall, if he demand it, be discharged from any further service. 26 & 27 Vict. c. 65. s. 8.

Suspending operation of certain Acts herein recited.

61. And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burdened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to His Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and threepence, for paying and disbanding the forces, it is declared and enacted that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billeting whatsoever: And whereas by an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, chapter fourteen, section eight, intituled "An Act to prevent the "disorders that may happen by the marching of soldiers, and pro- "viding carriages for the baggage of soldiers on their march," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard or battle-axes, nor any officer commanding the said yeomen, nor any servant of any such officer, should at any time thereafter have, receive, or be allowed any quarters in any part of Ireland, save only during such time or times as he or they should be on their march as in the same Act is before mentioned, or during such time as he or they should be and remain in some seaport town or other place in the neighbourhood of a seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army, or any considerable part thereof, should be commanded to march from one part of Ireland to another: But forasmuch as there is and may be occasion for the marching and quartering of regiments, corps, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, the said several provisions of the said recited Acts shall be suspended and cease to be of any force or effect during the continuance of this Act. 31 Car. 2. c. 1. 6 Anne, c. 14. s. 8. (I.)

Certain requirements of

62. And whereas by the eleventh section of the said Act of the sixth year of the reign of Queen Anne, chapter fourteen, it is pro-

6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

vided and enacted, that no civil magistrate or constable should be obliged to find quarters for or give billets to more or other soldiers than those only whose true Christian and surnames should be delivered to him in writing under the hand of the officer desiring quarters or billets for such soldiers at the time such quarters or billets should be desired, and that all such names should be written together and delivered in one piece of paper, signed as aforesaid, and that the Christian and surnames of every soldier to be quartered or billeted, together with the name of the person on whom he or they should be billeted or quartered, should be given in writing by the constable or civil officer billeting or quartering such soldier, and be contained in the billet given by such civil officer: And whereas it has been found inconvenient and difficult to comply with all the requirements of the said enactment: It shall not be necessary, so long as this Act shall continue in force, for any officer, upon the occasion of his requiring quarters or billets for any soldiers in Ireland, to deliver to the constable or other person whose duty it shall be to find or give the same any list of the names of the soldiers to be so quartered or billeted; and it shall not be necessary for the constable or other such person as aforesaid to set forth in any billet the name of any soldier to be billeted or quartered, but only the number of the soldiers, or the number of the soldiers and horses respectively, as the case may require, to be billeted or quartered on the person named in the billet, and to whom the same shall be addressed.

How and where troops may be billeted.

63. It shall be lawful for all constables of parishes and places, and other persons specified in this Act, in Great Britain and Ireland, and they are hereby required, to billet the officers and soldiers in Her Majesty's service, and out-pensioners when assembled as a local force by competent authority, and persons receiving pay in Her Majesty's army, and the horses belonging to Her Majesty's cavalry, and also all staff and field officers horses, and all bât and baggage horses belonging to any of Her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in one house, except only in case of billeting cavalry as specially provided); and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain shall also be furnished with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billeted above one mile from the place mentioned in the route, care being always taken that billets be made out for the less distant houses, in which suitable accommodation can be found, before making out billets for the more distant; and in all places where cavalry shall be billeted in

pursuance of this Act, each man and his horse shall be billeted in one and the same house, except in case of necessity; and, except in case of necessity, one man at least shall be billeted where there shall be one or two horses, and two men at least where there shall be four horses, and so in proportion for a greater number; and in no case shall a man and his horse be billeted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march, in the manner required by this Act, upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or in a different county, in like manner in every respect as if such houses were all locally situate within such place; provided that nothing herein contained shall be construed to extend to authorise any constable to billet soldiers out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice then to two or more justices within whose jurisdiction such soldiers are billeted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billeted upon other persons, as they shall see cause; and when any of Her Majesty's cavalry or any horses as aforesaid shall be billeted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, corps, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables, and who are by this Act liable to have officers and soldiers billeted upon them; and upon complaint being made by the person or persons to whose house or stables the said men or horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billeted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billeted in any place with another man or horse billeted in the same place for the benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or to enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that to prevent or punish all abuses

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in billeting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constables, together with the names of the persons upon whom such officers and soldiers are billeted, stating the street or place where such persons dwell, and the sign, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted.

Billeting the guards in and near Westminster.

64. The officers and soldiers of Her Majesty's Foot Guards shall be billeted within the city and liberties of Westminster and places adjacent, lying in the county of Middlesex (except the city of London) and in the county of Surrey, and in the borough of Southwark, in the same manner and under the same regulations as in other parts of England, in all cases for which particular provision is not made by this Act; and the high constables shall, on receipt of the order for billeting soldiers, deliver precepts to the several constables within their respective divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionably on the houses subjected thereto by this Act; and the said constables shall, at every general sessions of the peace to be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the houses subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billeted on each respectively, which lists shall remain with the respective clerks of the peace for the inspection of all persons without fee or reward; and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists upon being paid twopence per sheet for the same, each sheet to contain at the least one hundred and fifty words.

Military officers not to act as justices in billeting.

65. No justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing quarters for any soldier in the regiment, corps, troop, or company under the immediate command of such justice, and all warrants, acts, and things made, done, and appointed by such justice for or concerning the same shall be void.

Allowance to innkeepers.

66. The innholder or other person on whom any soldier is billeted in Great Britain shall, if required by such soldier, furnish him for every day of the march, and for a period not exceeding two days when halted at the intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previous to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of thirteenpence halfpenny, and twopence halfpenny for a bed; and all innholders and other persons on whom soldiers may

be billeted in Great Britain or Ireland, except when on the march in Great Britain and entitled to be furnished with the hot meal as aforesaid, shall furnish such soldiers with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each soldier; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's forces shall be billeted in Great Britain or Ireland for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a regiment, detachment, or party shall, every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, soldiers, or horses are billeted, out of the pay and subsistence of such officers and soldiers, before any part of the said pay or subsistence be distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint, and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situated, sitting in quarter or petty sessions, the Secretary of State for the War Department is hereby required (upon certificate of the justices before whom such oath was made of the sum due upon such accounts, and the persons to whom the same is owing,) to give orders to the agent of the regiment or corps to pay the sums due to such victuallers or other persons as aforesaid, and to charge the same against such officers; and in case any soldier be suddenly ordered to march, and the respective commanding officers or non-commissioned officers are not enabled to make payment of the sums due for the lodging or victualling of the men and stabling or forage for the horses, every such officer or non-commissioned officer, shall, before his departure, make up the account with every person upon whom such soldier may have been billeted, and sign a certificate thereof; which account and certificate shall be transmitted by such officer or non-commissioned officer to the agent of the regiment or corps, who is hereby required to make immediate payment thereof, and to charge the same to the account of such officer or non-commissioned officer.

Interpretation of Act.

67. All powers and provisions relating to soldiers shall be construed to extend to non-commissioned officers, unless when otherwise provided; and all powers and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions and to chief magistrates of exclusive local jurisdictions; and all the powers given to and regulations made for the conduct of constables in relation to the billeting of officers and soldiers, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, hamlets, parishes, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of

Powers and regulations as to billets.

police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act in relation to billeting; and all powers and provisions for billeting officers and soldiers in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses, or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin, by retail, in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then to billeting soldiers in such manner as has been heretofore customary: Provided that no officer or soldier shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the War Department, or upon persons who keep taverns only, being vintners of the City of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses, nor in the house of any distiller kept for distilling brandy and strong waters, nor in the house of any shopkeeper whose principal dealing shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses, nor in the house of residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Exemptions from billets.

Supply of carriages.

68. For the regular provision of carriages for Her Majesty's forces, and their baggage, in their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from Her Majesty, or the general of her forces, or other person duly authorised in that behalf, shall, on production to them of such order, or a copy thereof, certified by the commanding officer, by some officer or non-commissioned officer of the regiment or corps so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of

the number and description of their said carriages, (which list shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorise the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

Rates to be paid for carriages, and regulations relating thereto.

69. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile any other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland, for every hundredweight loaded on any wheel carriage, one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total addition per mile of fourpence, threepence, or twopence, to the respective rates of one shilling, ninepence, or sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder, at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of State for the War Department within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when any additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and in Ireland the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in the presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every

hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance to Her Majesty's service; provided that a cart with one or more horses for which the furnisher shall receive ninepence a mile shall be required to carry fifteen hundredweight at the least; and no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses and oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of soldiers from Dublin, at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays, at his discretion, out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of the army on any pretence whatsoever.

As to supply of carriages in cases of emergency, &c.

70. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of Ireland, by her or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary of State for the War Department, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the Military Department, to authorise any general or field officer commanding Her Majesty's forces in any district or place, or the chief acting agent for the supply of stores and provisions, by writing under his hand reciting such order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, or by any officer of the War Department, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers,

justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment, corps, or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

Justices empowered to reimburse constables for sums expended by them.

71. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogue money and assessments directed and authorised to be assessed and levied by an Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Routes in Ireland.

72. It shall be lawful for the Lord Lieutenant or other chief governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency, for the marching of any of Her Majesty's forces in Ireland, in the name of such Lord Lieutenant or chief governor.

Tolls.

73. All Her Majesty's officers and soldiers, on duty or on their march, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying any such persons as aforesaid, or their baggage, or stores, or returning from conveying the same, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or ordinance, order, or direction of any colonial legislature or other authority in any of Her Majesty's colonies; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein-before enacted.

Ferries.

74. When any soldiers on service have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Marching money on discharge.

75. Every soldier enlisted in Great Britain or Ireland shall, when entitled to his discharge, if then serving abroad, be sent home, if he shall so require, free of expense, and shall be entitled to receive marching money from the place of his being landed (or if discharged at home shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his residence (if the cost of conveyance to such place shall not exceed the cost of conveyance to the place of his original enlistment): Provided that nothing in this section shall apply to soldiers appointed sergeant instructors, or attached for completion of service, to the reserve forces.

Ordinary course of criminal justice not to be interfered with.

Punishment of officers obstructing civil justice.

76. Nothing in this Act contained shall be construed to extend to exempt any officer or soldier from being proceeded against by the ordinary course of law, when accused of felony, or of misdemeanor, or of any crime or offence other than the misdemeanors and offences herein-before mentioned; and if any commanding officer shall neglect or refuse, on application being made to him for that purpose, to deliver over to the civil magistrate any officer or soldier under his command, or shall wilfully obstruct, neglect, or refuse to assist the officers of justice in apprehending any officer or soldier under his command, so accused as aforesaid, such commanding officer shall, upon conviction thereof in any of Her Majesty's superior courts at Westminster, Dublin, or Edinburgh, or in any court of record in India, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any civil or military office or employment in the United Kingdom of Great Britain and Ireland or in Her Majesty's service; and a certificate of such conviction, containing the substance and effect of the indictment only, omitting the formal part, with the copy of the entry of the judgment of the court thereon, shall be transmitted to the judge advocate general in London.

Penalty for disobedience by agents.

77. For enforcing a prompt observance of the rules and orders for the due appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents for the several corps, the said agents are hereby required to observe such orders as shall from time to time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of Ireland, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier for a longer period than the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds, and

if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter, or, if he have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds.

Penalty on trafficking in commissions. 34 & 35 Vict. c. 86.

78. Any person (except the Army Purchase Commissioners and persons acting under their authority by virtue of the provisions of the Regulation of the Forces Act, 1871) who shall negotiate, act as agent for, or otherwise aid or connive at the sale or purchase of any commission in Her Majesty's army shall forfeit for every such offence the sum of one hundred pounds; and any person who shall negotiate, act as agent for, or otherwise aid or connive at any exchange in respect of which any sum of money or other consideration exceeding the sum or consideration sanctioned by the military authorities shall be given or received shall forfeit for every such offence the sum of one hundred pounds.

Penalty for procuring false musters.

79. Every person, not having any military commission, who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, shall forfeit for every such offence the sum of fifty pounds; and any person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon conviction before some justice of the peace residing near the place where such muster shall be made, forfeit for every such offence the sum of twenty pounds; and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. Every person (except such person or persons as shall be authorised by beating order under the hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or Her Majesty's Indian forces, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the adjutant general, or from the Secretary of State in Council of India, (as the case may be,) shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty for inducing soldiers to desert.

81. Any person who shall in any part of Her Majesty's dominions, or by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term

not exceeding six calendar months as the convicting justices shall think fit.

Penalty for forcible entry in pursuit of deserters without warrant.

82. Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling-house or outhouse, or shall give any order under which any dwelling-house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

83. If any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or without hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be

ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Certain provisions of Acts for regulating gaols to apply to military prisons.

84. Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender in the manner hereinbefore prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

85. Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks, provided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's service, or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessaries, or forage, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles of which such offender shall have so become possessed and shall in addition to such forfeiture be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the convicting justice or justices shall think

Penalty on purchasing soldiers necessaries, stores, &c.

fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction or any copy of the same, proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove on oath before a justice of the peace, or person exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, on or with respect to which any such offence shall have been committed, such justice may grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law: Provided always, that it shall be lawful for the legislature of any of Her Majesty's dominions beyond the seas, on the recommendation of the officer or officers for the time being administering the government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the person or persons administering the government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such legislature.

Penalties on civil subjects offending against the laws relating to billets.

86. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or soldiers in any part of the United Kingdom shall presume to billet any such officer or soldier in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving such officer or soldier; or shall quarter any of the wives, children, men or maid servants of any officers or soldiers, in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner hereinbefore directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall do any act or thing by which the execution of

any warrants for providing carriages, horses, or vessels shall be hindered; or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provisions of this Act, or shall wilfully cause to be delivered defective lists of the same; or if any person liable by this Act to have any officer or soldier quartered upon him shall refuse to receive and to afford proper accommodation or diet in the house in which such officer or soldier is quartered, and to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland for each horse, in such quantities and at such rates as herein-before provided; or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum or sums of money to any soldier on the march in lieu of furnishing in kind the diet and small beer to which such soldier is entitled; or if any toll collector shall demand and receive toll from any of Her Majesty's officers or soldiers on duty or on their march, for themselves or for their horses, or from any recruits marching by route, or from any prisoners under military escort, or from any enrolled pensioners in uniform when called out for training or in aid of the civil power, or for any carriages or horses belonging to Her Majesty, or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying persons, or baggage, or stores, or returning therefrom, every such constable, victualler, toll-keeper, or other person respectively shall forfeit for every such offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a soldier or a recruit, with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

On toll collectors demanding toll from officers, soldiers, or for carriages;

and on persons personating soldiers, &c.

87. If any military officer shall take upon himself to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayor, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do anything contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided that a certificate of such conviction shall be transmitted by one of the said justices to the Judge Advocate in London, who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; and if any military officer shall take, or knowingly suffer

Penalties on the military offending against the laws relating to billets.

to be taken, from any person, any money or reward for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier, in any house, against the consent of the occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in the cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same can be done within reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, such officer shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on killing game without leave.

88. For the better preservation of game and fish in or near places where any officers shall at any time be quartered, be it enacted, that every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish in the United Kingdom of Great Britain and Ireland, shall for every such offence forfeit the sum of five pounds.

Form of actions at law.

89. Any action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six calendar months after the doing thereof, and it shall be lawful for every such person to plead thereunto the general issue Not Guilty, and to give all special matter in evidence to the jury; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, or if in Scotland such court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are by law given to defendants; and every action against any person for anything done in pursuance of this Act, or against any member or minister of a court-martial in respect of any sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some one of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court whatsoever.

Recovery of penalties.

90. All offences for which any penalties and forfeitures are by this Act imposed not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures and forfeiture of value or treble value recovered, in every part of the United Kingdom, except Scotland, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth

years of the reign of Her Majesty Queen Victoria, intituled "An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary convictions and orders," and in Scotland by and before one or more justices of the peace under the provisions of the Summary Procedure Act, 1864: Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; which last recited Act but one shall be used and applied, in Ireland, for the recovery of all such penalties and forfeitures, as fully to all intents as if the said recited Act had extended to Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the proceedings at Petty Sessions, and the duties of Justices of the Peace out of Quarter Sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles or in any of Her Majesty's dominions beyond the seas may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices, or the court imposing such penalty or forfeiture.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of penalties.

91. One moiety of every penalty, not including any treble value of any articles, adjudged or recovered under the provisions of this Act, shall go to the person who shall inform or sue for the same, and the remainder of the penalty, together with the treble value of any articles, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid, in the United Kingdom, to the paymaster of the London recruiting district, St. George's Barracks, London, and in India, to the military secretary of the government of the presidency to which the court by whom the penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's dominions to the local military accountant, to be at the disposal of the Secretary of State for the War Department, (unless where the penalty is adjudged in India, when it shall be at the disposal of the Government of India,) anything in an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of Municipal Corporations in England and Wales," or in any other Act or Acts, to the contrary notwithstanding. Every justice or court adjudging any penalty under

5 & 6 W. 4. c. 76.

this Act shall report the same immediately, if in the United Kingdom, to the said Secretary of State, if in India to the said military secretary, and if elsewhere in Her Majesty's dominions to the general or other officer commanding at the station.

Mode of recording a soldier's settlement.

92. The Secretary of State for the War Department may, if he think proper, cause any soldier on his discharge, and his wife or child, if occasion require, either with or without him, to be sent to the parish in which on his attestation as a recruit he stated that he was born, and if delivered at the workhouse of that parish, or of the union comprising such parish, he shall then be received therein by the master or other proper officer thereof; but any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

Licenses of canteens.

93. When any person shall hold any canteen under proper authority of the War Department, it shall be lawful for any two justices within their respective jurisdictions to grant or transfer any beer, wine, or spirit license to such persons, without regard to time of year or to the notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise, or their proper officers within their respective districts, shall also grant such licenses as aforesaid; and such persons so holding canteens, and having such licenses, may sell therein victuals and exciseable liquors, as empowered by such excise license, without being subject to any penalty or forfeiture.

Attestation of accounts.

94. All muster rolls and accounts and pay and pension lists which are required to be verified by declaration shall be so verified and attested free of stamp duty, and without fee or reward paid for such declaration or attestation.

Commissaries, &c. to attest their accounts.

95. All commissaries, regimental paymasters, and all other accountants for military services, upon making up their accounts, and all commissaries upon returning from any foreign service, shall severally make such respective declarations as shall be prescribed and set forth in the War Office Regulations for the time being in force, which are issued under the authority of the Secretary of State for the War Department; which declarations, if made in any part of the United Kingdom, shall be made before some justice, or other

person authorised to administer oaths and declarations, and if made on foreign service shall be made before the officer commanding in chief, or the second in command, or the quartermaster or deputy quartermaster general or any assistant quartermaster general of the army, who shall respectively have power to administer and receive the same.

Administration of oaths.

96. All oaths and declarations which are authorised and required by this Act may be administered (unless where otherwise provided) by any justice of the peace, or other person having authority to administer oaths and declarations; and any person taking a false oath or declaration where an oath or declaration is authorised or required by this Act shall be deemed guilty of wilful and corrupt perjury, or of wilfully making a false declaration, and being thereof duly convicted shall be liable to such pains and penalties as by law any person convicted of wilful and corrupt perjury is subject and liable to; and every commissioned officer convicted before a general court-martial of perjury, or of wilfully making a false declaration, shall be cashiered, and every soldier or other person amenable to the provisions of this Act found guilty thereof by a general, district, or garrison court-martial shall be punished at the discretion of such court. In India, in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath, in case the party were about to depose as a witness in a civil action in any of the supreme courts at the presidencies; and any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, or any proceedings under this Act, shall be deemed guilty of wilful and corrupt perjury, and, being duly convicted thereof before a court-martial or otherwise, shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to.

Perjury.

Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Offences against former Mutiny Acts and Articles of War.

97. All crimes and offences which have been committed against any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the continuance of this Act, be tried and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any such former Act shall remain in full force, and all proceedings of courts-martial convened and held under any such warrant shall be continued, notwithstanding the expiration of such Act: Provided always, that no person shall be liable to be tried or punished for any offence against

any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Officers and soldiers to conform to 26 & 27 Vict. c. 57., &c.

98. It shall be the duty of all officers and soldiers to observe and conform to the provisions contained in the Regimental Debts Act, 1863, and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the Royal Sign Manual: Provided that nothing contained in the said Act or Regulations shall be deemed to subject a deserter to forfeiture in respect of any articles of his clothing or necessaries which upon his rejoining the service may remain unsold and be available for his military purposes.

Where troops are serving beyond the jurisdiction of the courts of requests, &c. actions of debt not exceeding 400 rupees to be cognizable by a military court.

99. In all places in India where any body of Her Majesty's forces may be serving situate beyond the jurisdiction of any court of small causes established by or under the authority of the Governor General of India in Council, actions of debt and all personal actions against officers or against persons licensed to act as sutlers, or other persons amenable to the provisions of this Act not being soldiers, shall be cognizable before a court of requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred rupees, and that the defendant was a person of the above description when the cause of action arose, which court the commanding officer of any camp, garrison, cantonment, or military post is hereby authorised and empowered to convene. Whenever owing to paucity of officers, or to any other cause, a court of requests cannot conveniently be held at the station where the defendant or defendants may be, it shall be lawful for the officer commanding the division or district to authorise the assembly of a court by the officer commanding at the nearest place where such court can be formed. Courts of requests shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain, and every member shall have served five years as a commissioned officer; and the president and members assisting at any such court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the oath; (that is to say,)

'I swear, that I will duly administer justice according to the evidence in the matters that shall be brought before me. So help me GOD.'

And all witnesses before any such court shall be examined in the same manner as in the case of a trial by courts martial. All actions of debt and personal actions against persons, not being soldiers, amenable to this Act within the jurisdiction of any court of small causes shall be cognizable by such court to the extent of its powers;

and all such actions where the amount sued for exceeds four hundred rupees shall be cognizable by a civil court or court of small causes only; and it shall be competent for any civil court or court of small causes, or for any military court of requests held in lieu thereof under the authority of this section, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct specially that the whole or any part thereof shall be stopped and paid over to the plaintiff out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments. In regard to awards of execution general civil courts and courts of small causes shall proceed in accordance with the rules of procedure for such courts in India; and in all cases where execution shall be awarded generally by a military court of requests, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, cantonment, or military post, under a written order of the commanding officer, grounded on the judgment of the court, and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any goods and property of the defendant found within the limits of the camp, garrison, cantonment, or military post to which the defendant shall belong at any subsequent time shall be liable to be seized and sold in like manner in satisfaction of any remainder of such debt or damages; and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same, and if sufficient goods shall not be found within the limits of the camp, garrison, cantonment, or military post, then any public money or any part not exceeding one half of the pay or allowances accruing to the defendant shall be stopped in liquidation of such debt or damages; and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid; and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; and in cases where the said court shall direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay and allowances, or out of any public money, the same shall be stopped and paid accordingly in conformity with direction: Provided always, that nothing herein-before contained shall enable any such action as aforesaid to be brought in a military court of requests by any officer or soldier against any officer: Provided also, that the articles of military equipment of any defendant shall not be deemed "goods and property" under this section.

Provisions relating to courts-martial on officers and soldiers of Her Majesty's Indian forces.

100. The government of any of the presidencies in India may suspend the proceedings of any court-martial held in India on any officer or soldier belonging to Her Majesty's Indian forces within such presidencies respectively; and if any officer belonging to Her Majesty's Indian forces shall think himself wronged by the officer commanding the regiment, and shall upon due application made to him not receive the redress to which he may consider himself entitled, he may complain to his commander-in-chief in order to obtain justice, who is hereby required to examine into such complaint, and thereupon, either by himself or by his adjutant general, to make his report to the government of the presidency to which such officer belongs, in order to receive the further directions of such government.

As to trial of officers and soldiers serving in India.

101. Any officer or soldier, or other person subject to this Act, who shall be serving in the territories of any foreign state in India or in any country in India under the protection of Her Majesty, or at any place in Her Majesty's dominions in India (other than Prince of Wales Island, Singapore, or Malacca), at a distance of upwards of one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and who shall be accused of having committed any offence which, if committed in England, would be punishable by the criminal law there, may, if the same be also punishable under the Indian penal code for the time being, be tried by a general court-martial to be appointed by the general or other officer commanding in chief in such place for the time being, and, if found guilty, shall be liable to be sentenced by such court-martial to suffer such punishment as may legally be awarded by any of Her Majesty's courts of criminal jurisdiction within Her Majesty's dominions of India in respect of a like offence committed within the jurisdiction of such last-mentioned court; but no sentence of a general court-martial for any such offence shall be carried into execution until the same shall have been duly confirmed; and it shall be lawful for such general or other officer commanding in chief as aforesaid to confirm the sentence of any such general court-martial; and such general or other officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the sentence; or, in the case of a sentence of penal servitude, may commute the same to imprisonment, with or without hard labour, for such period as to him shall seem fit: Provided always, that in all cases wherein a sentence of death or penal servitude shall have been awarded by any such general court-martial held for the trial of a commissioned officer, or where a sentence of death shall have been awarded by any such general court-martial held for the trial of any person subject to this Act other than a commissioned officer, such sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried: Provided also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other court whatsoever.

No court-martial shall, in respect of the conduct of its proceedings, or the reception or rejection of evidence, be subject to the provisions

of the Indian Evidence Act, 1872, or any Act of any legislature, other than the Parliament of the United Kingdom.

Interpretation.

102. The words Commander-in-Chief in this Act shall be held to include the field marshal or other officer commanding in chief Her Majesty's forces for the time being.

Amendment of section 6 of 33 & 34 Vict. c. 67.

103. The sixth section of the Army Enlistment Act, 1870, shall be amended as follows; that is to say,

The Secretary of State may, from time to time, by any general or special regulation, permit recruits to be enlisted for particular regiments or corps, and in such case they shall be attached to such regiment or corps; and the word corps shall in this Act, and in the Army Enlistment Act, 1870, as to future enlistments, include a brigade constituted of two or more regiments associated by general order or royal warrant for the purposes of enlistment or service.

Militia may be attached to regular forces.

104. Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any regiment or regiments of militia, and the officers, non-commissioned officers, and men (including the permanent staff) of any such regiment or regiments so attached shall be deemed for all purposes to form part of the corps to which they are attached: Provided that no person belonging to the militia shall be required to serve for a longer period, or in any other country, than that during and in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Yeomanry or volunteers may be attached to regular forces.

105. Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any corps of yeomanry or volunteers, and the officers, non-commissioned officers, and men (including the permanent staff) of any corps so attached shall be deemed for all purposes to form part of the corps of the army to which they are attached: Provided that no person belonging to the yeomanry or volunteers shall be required to serve in any other manner than that in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Liability of soldier to maintain wife and children.

106. Notwithstanding anything in this Act contained, a soldier shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier, but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle ' and disorderly persons and rogues and vagabonds in that part of " Great Britain called England," or under any other Act of Parlia-

5 G. 4. c. 83.

ment, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union, nor shall he in Ireland be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision "for the punishment of vagrants and persons offending against the "laws in force for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

10 & 11 Vict. c. 84.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a soldier, or, in Scotland, decree is pronounced by a court of law, having jurisdiction, in an action of aliment or filiation and aliment against a soldier, for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any soldier being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An Act to amend the law enabling Boards of Guardians to recover "costs of maintenance of illegitimate children in certain cases in "Ireland," or when any order or decree has been made on or against any soldier for the recovery of the cost of any relief given to the wife or child of such soldier under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the War Office, and the Secretary of State may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

26 & 27 Vict. c. 21.

Where a summons is issued against a soldier under the said Acts or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such soldier is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a soldier if served after the time at which an order has been given for the embarkation for service out of the

United Kingdom of the body of troops to which the soldier belongs.

Trial of men in army reserve for breach of regulation.

107. Any man hereafter enrolled in the army reserve, or any man who now being enrolled therein shall so consent, shall be at all times during and in respect of such period of enrolment, subject to this Act to the extent and in the manner following, that is to say: For any wilful neglect or disobedience by him of an order or regulation made by the Secretary of State, under the provisions of any Act then in force for the government or regulation of the army reserve, he may be tried and punished by court-martial as if he were a soldier serving with a regiment, or, at the discretion of the military authorities, may be brought before a justice acting for the county, district, city, borough, or place where he may come or be, and by such justice may be sentenced to imprisonment with hard labour for a period not exceeding three months; proof of the delivery of a notice issued by the military authorities, at the then last registered place of abode of any man enrolled in the army reserve, or of the delivery of a letter addressed to him at such place, shall in all cases, in the absence of proof to the contrary, be deemed to be sufficient evidence, whether before a court-martial or before a justice, that such notice was brought to his knowledge. Any man hereafter enrolled in the army reserve, or any man who now being enrolled therein shall so consent, who shall without reasonable cause absent himself on two consecutive occasions when by the Acts governing such force or the regulations made or to be made by virtue thereof, he is duly ordered to be present at any place for the receipt of pay, shall be deemed a deserter: Provided that nothing contained in this section shall be deemed to affect any liability to which a man enrolled in the army reserve may be at the time subject under the provisions of any other section of this Act, or of any other Act for the time being in force, or of any orders or regulations made in pursuance thereof: Provided also, that nothing in the fifteenth section of the Army Enlistment Act, 1870, shall be deemed to affect the validity of any order of the Secretary of State for the enrolment, re-enrolment, or prolongation of the service, with their own consent, of men in the army reserve at any age, and the proviso of such section is hereby repealed. Section twenty-one of the Army Enlistment Act, 1870, is hereby repealed so far as the same repeals section eight of the Reserve Force Act, 1867.

When to be deemed deserters.

Partial repeal of ss. 15 and 21 of 33 & 34 Vict. c. 67.

30 & 31 Vict. c. 110.

Militia deserters, trial of.

108. Nothing contained in the Militia Voluntary Enlistment Act, 1875, shall be deemed to render unlawful the trial by a justice or justices of a deserter or person deemed a deserter under the said Act, who shall be brought before such justice or justices by order of the Secretary of State, by reason of the regiment in which such person is enrolled, or any portion thereof, being embodied or assembled for training or preliminary drill, when he is brought before such justice or justices.

Militia reserve. Limitation of engagement.

109. Nothing contained in any Act now in force shall be deemed to prevent the Secretary of State making regulations whereby the service in the militia reserve of any militiaman shall be limited so as to terminate at the time his militia engagement would have terminated if such militiaman had not enlisted in the militia reserve.

Duration of this Act.

110. This Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-eight inclusive until the twenty-fifth day of April one thousand eight hundred and seventy-nine; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-eight inclusive until the first day of May one thousand eight hundred and seventy-nine; and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-eight inclusive until the first day of August one thousand eight hundred and seventy-nine; and shall be and continue in force in all other parts of Europe where Her Majesty's forces may be serving, and in the West Indies and America, from the first day of September one thousand eight hundred and seventy-eight inclusive until the first day of September one thousand eight hundred and seventy-nine; and shall be and continue in force in India, and within the Cape of Good Hope, the Isle of France or Mauritius and its dependencies, Saint Helena, and the settlements on the western coast of Africa, from the first day of January one thousand eight hundred and seventy-nine inclusive until the first day of January one thousand eight hundred and eighty; and shall be and continue in force within British Columbia and Vancouver's Island from the date of the promulgation thereof in general orders there inclusive until the first day of January one thousand eight hundred and eighty; and shall be and continue in force in all other places from the first day of February one thousand eight hundred and eighty inclusive until the first day of February one thousand eight hundred and eighty-one: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein stated to the contrary notwithstanding.

SCHEDULE referred to by the foregoing Act.

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make oath, that I am by trade a and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of , for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I of one of Her Majesty's justices of the peace certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's colonies or possessions has absconded.

I of do make oath, that was bound to me to serve as an indentured labourer by indenture dated the day of for the term of years, and that the said did on or about the day of abscond and quit my service without my consent.

Witness, *&c.* [*as for apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER

to wit. } I of one of Her Majesty's justices of the peace certify, that of came before me at the day of and made oath that was bound to serve as an indentured labourer to him by indenture dated the day of for the term of years, and that the said indentured labourer did on or about the day of abscond and quit the service of the said without his consent.

W.O. Form 87.

DESCRIPTIVE RETURN of who* at
on the day of and was committed to confine-
ment at on the day of as a deserter
from the Bn. of the Regiment of .

* After the word "who" to be inserted either the words "was apprehended," or "surrendered himself," as the case may be.

Age - - - - -	
Height - - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - - -	
Eyes - - - - -	
Marks - - - - -	
In uniform or plain clothes - -	
Probable date of enlistment, and where*	
Probable date of desertion, and from what place.	
Name, occupation, and address of the person by whom or through whose means the deserter was apprehended and secured.†	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds. The fullest possible details to be given.	

* It should, if it can be ascertained, be here inserted, in case of a recruit, whether he received pay other than enlisting money, or enlisting money only.

† It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he‡ a deserter from the before-mentioned corps, and I recommend§ for a reward of *s.*

‡ Insert *is* or *is not*, as the case may be.

——— *Signature* } *of committing*
——— *Residence* } *Magistrate.*
——— *Post Town* }
——— *Signature of prisoner.*
——— *Signature of informant.*

§ It is requested that the magistrate will insert the name of the person to whom the reward is due, and the amount [5*s.*, 10*s.*, 15*s.*, or 20*s.*,] which, in his opinion, should be granted in this particular case.

CHAPTER 11.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [16th April 1878.]

WHEREAS it is judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite for the retaining of such forces in their duty that an exact discipline be observed, and that marines who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of any other crime or offence in breach of or to the prejudice of good order and discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Lord High Admiral, &c. to make Articles for the punishment of mutiny, desertion, &c.

1. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, from time to time to make, ordain, alter, and establish rules and Articles of War, under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the better government of Her Majesty's Royal Marine forces, and for the punishment of mutiny, desertion, immorality, breach of discipline, misbehaviour, neglect of duty, and any other offence or misconduct of which they shall be guilty, in any place on shore or afloat in or out of Her Majesty's dominions, or at any time when or under any circumstances in which they shall not be amenable to the laws for the government of Her Majesty's ships, vessels, and forces by sea, and for regulating the proceedings of courts-martial, which rules and articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the time being (certified under his hand) to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad; provided that no person within the United Kingdom of Great Britain

and Ireland or within the British Isles shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which may be inconsistent with the provisions of this Act.

As to offences against former Mutiny Acts and Articles of War.

2. All crimes and offences committed against any former Act made for the regulation of the Royal Marine forces while on shore or against any of the rules, regulations, or Articles of War made and established by virtue of the same, may, during the continuance of this Act, be tried, inquired of, and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any former Act shall remain in full force notwithstanding the expiration of such Act; and all proceedings of any court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the expiration of the same: Provided always, that no person shall be liable to be tried and punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased; and provided also, that if any officer or marine in any place beyond the seas shall commit any of the offences punishable by court-martial under this Act, and shall escape and come or be brought into this realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such offence had been committed within this realm.

Limitation as to time.

Provisions of this Act to extend to Jersey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and to the provisions for trial and punishment of officers and marines who shall be charged with mutiny and desertion or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any marine or deserter, or who shall cause the colour of any such clothes to be changed; and also to the provisions for exempting marines from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

Application of Act and Articles of War.

4. All the provisions of the Act, and any Articles of War made in pursuance of this Act, shall apply to all persons who are or shall

be commissioned or in pay as an officer, or who are or shall be listed or in pay as a non-commissioned officer or marine.

The ordinary course of law not to be interfered with.

5. Nothing in this Act contained shall be construed to extend to exempt any officer or marine from being proceeded against by the ordinary course of law when accused of felony or misdemeanor, or of any misdemeanor other than the misdemeanor of refusing to comply with an order of justices for the payment of money; and any commanding officer who shall neglect or refuse, when due application shall be made to him for that purpose, to deliver over to the civil magistrate any officer or marine, or who shall wilfully obstruct, neglect, or refuse to assist any peace officer in apprehending any such offender, shall, upon conviction thereof in any of Her Majesty's courts at Westminster, Dublin, or Edinburgh, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any civil or military office or employment in Her Majesty's service; and a certificate of such conviction shall be transmitted to the Secretary of the Admiralty.

No person tried by civil power to be punished by court-martial for same offence except by cashiering, &c.

6. No person subject to this Act having been acquitted or convicted of any crime or offence by the civil magistrate or by the verdict of a jury shall be liable to be again tried for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class, or to the rank of a private marine, by order of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or in the case of a non-commissioned officer, by reduction to the ranks, by order of the commandant of the division to which such non-commissioned officer may belong; and whenever any officer or marine shall have been tried before a court of ordinary criminal jurisdiction, the clerk of the court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the division to which such officer or marine belongs, transmit to him a certificate containing the substance and effect only, omitting the formal part, of the indictment, conviction, and entry of judgment thereon or acquittal of such officer or marine, and shall be allowed for such certificate a fee of three shillings.

Marines to be subject to the discipline of the navy while on board ship.

7. All of Her Majesty's Royal Marine forces shall, during the time they shall be respectively borne on the books of or be on board any of Her Majesty's ships or vessels in commission, either as part of the complement or as supernumeraries, or otherwise, be subject and liable in every respect to the laws for the government of Her Majesty's forces by sea and to the rules and discipline of the Royal Navy for the time being, and shall and may be proceeded against and punished for offences committed by them whilst so borne or on board, in the same manner as the officers and seamen employed in the Royal Navy may be tried or punished; except when and so long as any marine officers or marines shall be landed from any of Her Majesty's ships, and be employed in military operations on shore, and when on such occasions the senior naval officer present shall deem it expedient to issue an order declaring that such marine officers and marines shall during such employment on shore be subject to the regulations of this Act, in which cases, and while

such order shall remain in force, they shall be subject to such regulations, and be tried and punished under this Act accordingly for any offences to be committed by them while so on shore; and, with or without any commission or warrant from the said Lord High Admiral or the said Commissioners for that purpose, the officer commanding in chief or commanding for the time being any such marine officers or marines shall have power and authority to convene, and to authorise any officer to convene, courts-martial under this Act, as occasion may require, for the trial of offences committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command: Provided always, that if any marine officer or marine so borne on the books of any of Her Majesty's ships or otherwise shall commit any offence for which he shall not be amenable to a naval court-martial, he may be tried and punished for the same in the same manner as other officers or marines may be tried and punished for the like offences under the authority of this Act; or if the Commissioners for executing the office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any offence committed by him on shore, whether he be or be not amenable to a naval court-martial for the same.

Power to Lord High Admiral, &c. to grant commissions for holding general courts-martial, &c.

8. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, from time to time to grant commissions or warrants under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the holding of general and other courts-martial within the United Kingdom of Great Britain and Ireland, and elsewhere out of the same, in like manner as has been heretofore used, and for bringing offenders against this Act and the Articles of War to justice, and to erect and constitute courts-martial, as well within the said United Kingdom and the British Isles as in any of Her Majesty's garrisons or dominions or elsewhere beyond the seas, and to grant commissions or warrants to the officer or officers commanding in chief or commanding for the time being any of Her Majesty's Royal Marine forces, as well within the said United Kingdom as Her Majesty's other dominions, and in any foreign parts out of the same dominions, for convening, as well as for authorising any officer to convene, courts-martial, as occasion may require, for the trial of offences committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command, or before or after any such commission or warrant shall be granted, provided that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas, where a captain may be authorised to convene district or garrison courts-martial; every officer so authorised to convene courts-martial may confirm and cause to be executed, or may suspend, mitigate, or remit the whole or any unexpired portion of the sentence of any court-martial convened by him or by any officer previously so authorised according to the terms of his warrant; and any person subject to this Act who shall, in any of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of

Place where offenders may be tried.

War, may be tried and punished for the same in any part of Her Majesty's dominions, or other place where he may have come or be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Power of general courts-martial.

9. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer of marines or marine to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service; but no sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein. No sentence of penal servitude shall be for a period of less than five years, and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

10. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any marine to such punishments as shall accord with the provisions of this Act; provided that the sentence of a district or garrison court-martial shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, island, or colony, and that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of divisional and detachment courts-martial.

11. A divisional or detachment court-martial shall consist of not less than five commissioned officers, unless it be found impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any marine to corporal punishment or to imprisonment, and forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in transport ships, &c.

12. In cases of mutiny and insubordination accompanied with personal violence or of other offences committed on the line of march, or on board any transport ship, convict ship, or merchant vessel, the offender may be tried by a divisional or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in immediate command, provided that the sentence shall not exceed that which a divisional court-martial is competent to award.

Powers of detachment general courts-martial.

13. It shall be lawful for any officer commanding any detachment or portion of Her Majesty's Royal Marine forces, upon complaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which Her Majesty's Royal Marine forces are so serving by any person under the immediate command of any such officer, to summon and cause to be assembled a detachment general court-martial, which shall consist of not less than three commissioned officers, for the trial of any such person, notwithstanding such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon offenders, as are granted by this Act to general courts-martial:

Provided always, that no sentence of any such detachment court-martial shall be executed until the officer commanding the army to which the division, brigade, detachment, or party to which any person so tried shall belong shall have approved and confirmed the same.

Officers of the marine and land forces may sit in conjunction on courts-martial.

14. When it is necessary or expedient, a court-martial composed exclusively of officers of the Royal Marines, or a court-martial composed of officers of Her Majesty's Army, or of Her Majesty's Indian Army, or of both or of either, together with officers of the Royal Marines, whether the commanding officer by whose order such court-martial is assembled belongs to the land or to the marine forces, may try a person belonging to any one of the said three services; provided that when the person to be tried shall belong to Her Majesty's Royal Marine forces, then the provisions of this Act, or of such Act as shall be then and there in force for the regulation of Her Majesty's Royal Marine forces while on shore, and the oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; but where the person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's Indian Army, and be within the United Kingdom, then the proceedings of such court shall be regulated as if the court were composed of officers of Her Majesty's Army only, and the provisions of the Act then and there in force for the punishment of mutiny and desertion, and for the better payment of the army and their quarters, and the oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; and where the person to be tried shall belong to Her Majesty's Indian Army, and be out of the United Kingdom, the provisions of such Act or Acts as shall be then and there in force for punishing mutiny and desertion of officers and soldiers in Her Majesty's Indian Army, and the Rules and Articles of War, if any, relating to such officers and soldiers then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto.

If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.

15. Provided there be no superior officer of Her Majesty's land forces present in command of a district, garrison, station, or place where marines may be serving, it shall be lawful for any officer of the Royal Marine corps of the degree of a field officer, and holding a commission from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for that purpose, but not otherwise, to convene or assemble a district or garrison court-martial, to be composed as before stated, and for such court to proceed to try any marine or marines below the rank of commissioned officer for any of the offences cognizable by a district or garrison court-martial; but the sentence so awarded by any such court shall not be carried into effect until the senior officer of the Royal Marines in the district, garrison, station, or place, not being a member of the court, shall have confirmed the same: Provided always, that if there be any such superior officer of Her Majesty's land forces present in command of the district, garrison, station, or place where marines may be, in such case it shall be lawful for him

to convene or assemble such district or garrison court-martial for the trial of any marine or marines below the rank of a commissioned officer, and for such court-martial to try any such marine or marines in conformity with the provisions of this Act and the Articles of War to be made in pursuance hereof; but the sentence which may be awarded by any such court which may be convened or assembled by any such superior officer shall not be carried into effect until such superior officer shall have confirmed the same.

President of courts-martial.

16. The president of every court-martial shall be appointed by or under the authority of the officer convening such courts, and shall in no case be the confirming officer, or the officer whose duty it has been to investigate the charges on which the prisoner is to be arraigned, nor, in the case of a general court-martial, under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain, save in the case of a detachment general court-martial holden out of Her Majesty's dominions, or of a divisional or detachment court-martial holden on the line of march, or on board a transport ship, convict ship, merchant vessel, or troop ship not in commission, or on any foreign station where a captain cannot be had: Provided always, that in the case of a detachment general court-martial holden out of Her Majesty's dominions the officer convening such court may be the president thereof.

Proceedings at trial.

17. In all trials by court-martial, as soon as the president and other officers appointed to serve thereon shall be assembled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president or by any of such officers, and if the prisoner shall then object to the president, such objection, unless disallowed by two thirds at least of the other officers appointed to form the court, shall be referred to the decision of the authority by whom such president shall have been appointed; but if he object to any officer other than the president, such objection shall be decided by the president and the other officers so aforesaid appointed to form the court; and when the place of the president or other officer in respect of whom any challenge shall have been made and allowed shall be supplied by some officer in respect of whom no challenge shall be made or allowed, or if no challenge whatever shall have been made, or, if made, not allowed, the president and the other officers composing a general court-martial shall take the oaths in the schedule to this Act annexed before the judge advocate or his deputy or person officiating as judge advocate, and on trials by other courts-martial before the president of such court, who are hereby respectively authorised to administer the same, and any sworn member may administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorised and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon.

Swearing and summoning witnesses.

18. All general and other courts-martial shall have power and authority and are hereby required to administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate, or the person officiating as such, and in the case of all other courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge by any affidavit in a summary way that such witness was arrested in going to, attending upon, or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or not produce the documents being under their power or control required to be produced by them, or, being sworn, shall refuse to give evidence or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the High Court of Justice in London or in the Court of Queen's Bench in Dublin, or in the Court of Session, sheriff or stewart courts in Scotland, or in the courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness had, after being duly summoned or subpœnaed, neglected to attend on a trial in any proceeding in the court in which such complaint shall be made.

Oath to be administered to shorthand writer.

It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

No second trial but revision allowed.

19. No officer or marine who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

20. If any person who is or shall be commissioned or in pay as an officer of Royal Marines, or who is or shall be listed or in pay as a non-commissioned officer, drummer, or private man in Her Majesty's Royal Marine forces, shall at any time during the continuance of this Act, while on shore in any place within the said kingdom, or in any other of Her Majesty's dominions, or in any foreign parts out of such dominions, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of Her Majesty, or on board any convict hulk or ship, or any other ship or vessel, or in any place whatever, where or while being in any circumstances

in which he shall not be subjected to, or not be liable to or punishable by, the laws relating to the government of Her Majesty's forces by sea, begin, excite, cause, or join in any mutiny or sedition in Her Majesty's marine or other forces, or shall not use his utmost endeavours to suppress any such mutiny or sedition, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or any other to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before being regularly relieved, or shall sleep on his post; or shall hold correspondence with or give advice or intelligence to any rebel, pirate, or enemy of Her Majesty, either by letters, messages, signs, tokens, or any other ways or means whatever; or shall treat or enter into any terms with any such rebel, pirate, or enemy, without the license of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being; or shall strike or use or offer any violence against his superior officer being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other officer being in the execution of his office, or shall violate any law or regulation of or relating to any military prison; or shall desert or attempt to desert from Her Majesty's Royal Marine forces; every person so offending in any of the matters before mentioned, whether such offence be committed within this realm, or in any other of Her Majesty's dominions, or in foreign parts upon land or upon the sea, shall suffer death or penal servitude or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or marine in pay in any division or company who shall, without having first obtained a regular discharge therefrom, enlist himself in any other division or company, or in any other branch of Her Majesty's service, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Commutation of death for penal servitude or imprisonment, &c.

21. In all cases where the punishment of death shall have been awarded by a general court-martial or by a detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept to penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem

meet to Her Majesty or to the officer commanding as aforesaid; provided that the imprisonment shall not exceed two years, and that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days, the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Embezzlement punishable by penal servitude, imprisonment, &c.

22. Any officer or marine, or any person employed or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to any of Her Majesty's forces or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment, with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks, if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained; and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies where the person sentenced by such court-martial shall be resident after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences of penal servitude in the United Kingdom.

23. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter to be passed upon any offender by any court-martial shall be carried into execution for the term specified in such sentence, or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death which shall have been passed by any such court, such sentence, together with Her Majesty's pleasure upon the same, shall be notified in writing by the Lord High Admiral, or by the Secretary to the Admiralty for the time being, to any judge of the High Court of Justice, and thereupon such judge shall make an order for the penal servitude of such offender upon the terms and for the time which shall be specified in such notification, and shall do all such other acts consequent upon such notification as any such justice or baron is authorised to make or do by any statute or statutes in force at the time of making any such orders in relation to penal servitude of offenders; and such order, and other acts to be so made and done as aforesaid, shall be obeyed and executed by such person in whose custody such offender shall at that time be, and by all other persons whom it may concern,

and shall be as effectual, and have all the same consequences, as any order made under the authority of any statute with respect to any offender in such statute mentioned; and every sheriff, gaoler, keeper, governor, or superintendent whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience to or for interrupting the execution of such order, as they would be if the same had been made under the authority of any such Act of Parliament; and every person so ordered to be kept in penal servitude shall be subject respectively to all and every the penalties and provisions made by law and in force concerning persons under sentence of penal servitude, or receiving Her Majesty's pardon on condition of penal servitude; and from the time when such order of penal servitude shall be made every law and statute in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape or the returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid, shall direct the notification of Her Majesty's pleasure and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Queen's Bench Division of the said High Court of Justice; and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more than two shillings and sixpence for the same) to such offender, or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, the sentence, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and of the sentence of such offender, and also of the terms in which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, Exchequer, or other superior court in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England, and such order shall be in all respects as effectual in England as though such offender had been convicted in England and the order had been made by any judge of the High Court of Justice in England.

As to execution of sentences in the colonies.

24. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's dominions beyond the seas, or elsewhere, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, if in India to the chief judge or any judge of the chief civil court of the presidency or province in which the court-martial has been held; and if in any other part of

Her Majesty's foreign dominions, to the chief justice or some other judge therein, who shall make order for the penal servitude or intermediate custody of such offender; and upon any such order being made it shall be duly notified to the governor of the presidency if in the East Indies, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who on receipt of such notification shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced or where he may come or be as aforesaid in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of her Principal Secretaries of State to such presidency or colony; and such offender shall, according to such directions, undergo the sentence of penal servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony or in the colony or place to which he has been so removed or sent respectively.

Sentence of penal servitude may be commuted for imprisonment.

25. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty or to the officer commanding as aforesaid; provided that the solitary confinement shall not exceed seven days at a time, with intervals of not less than seven days between the periods of solitary confinement; and that if the imprisonment exceeds eighty-four days the solitary confinement shall not exceed seven days in any twenty-eight days of the imprisonment.

Of forfeitures, when combined with penal servitude.

26. Where an award of any forfeiture, or of deprivation of pay, or of stoppages of pay shall have been added to any sentence of penal servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of convict after sentence of penal servitude.

27. When any sentence of death shall be commuted for penal servitude, or when any marine shall by court-martial be adjudged to penal servitude as authorised by this Act, it shall be lawful for the commanding officer of the division to which such marine shall have belonged or may belong to cause him to be detained and

conveyed to any gaol or prison, there to remain in safe custody until he shall be removed therefrom by due authority under an order for his penal servitude to be made by some judge of the High Court of Justice as aforesaid; and a certificate of his sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, (such certificate to be signed by the commanding officer of the division from which he shall be sent,) shall be a sufficient order, requisition, and authority to the governor, keeper, or superintendent of the gaol or prison to receive and detain him: Provided always, that in case of any such offender being so conveyed to gaol or prison the usual allowance of sixpence per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, shall be made to the keeper of the gaol or prison for the subsistence of such offender during his detention therein, which allowance shall be paid by the paymaster of the division, upon production to him, by the said governor, keeper, or superintendent, of a declaration, to be made by him before one of Her Majesty's justices of the peace of such county, of the number of days during which the offender shall have been so detained and subsisted in such gaol or prison.

Power to inflict corporal punishment in certain cases.

28. No court-martial shall, for any offence whatever committed in time of peace within the Queen's dominions, have power to sentence any marine to corporal punishment: Provided that any court-martial may sentence any marine to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

29. It shall be lawful for any general, district, or garrison court-martial to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed herein-after or by the Articles of War, and in case of a marine in addition to corporal punishment.

Power to commute corporal punishment.

30. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or for the officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement, and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement: Provided always, that the lashes as aforesaid shall not be administered by any instrument save one of a pattern approved by the Admiralty.

Power to commute a sentence of cashiering.

31. It shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Forfeiture of pay and pension by sentence of court-martial.

32. Any general court-martial may, in addition to any other punishment which such court may award, sentence any offender to forfeiture of all advantage as to additional pay, good-conduct pay, and to pension on discharge, which might have otherwise accrued from the length of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, or to forfeiture of any annuity and medal which may have been granted for former meritorious service, or of the gratuity and medal awarded for former good conduct, and of all medals and decorations, according to the nature of the case; and any district or garrison court-martial may also, in addition to any punishment which such court may award, sentence any offender to such forfeiture for desertion, or for disgraceful conduct,

In wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or of causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service:

In wilfully doing any act, or wilfully disobeying any orders, whether in hospital or otherwise, thereby producing or aggravating disease or infirmity, or delaying his cure:

In malingering or feigning disease:

In tampering with his eyes, with intent thereby to render himself unfit for service:

In stealing or embezzling Government property or stores, or in receiving the same knowing the same to have been stolen:

In stealing any money or goods the property of a comrade, of a marine officer, or of any marine mess or band, or in receiving any such money or goods knowing the same to have been stolen:

In making any false or fraudulent accounts, returns, matters, or entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public money intrusted to him:

Or in committing any other offence of a felonious or fraudulent nature, to the injury of, or with intent to injure, any person civil, marine, or military:

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

Forfeiture of pay on conviction of desertion or felony.

33. Every marine found guilty by a court-martial of the following offences:—

Desertion, wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine

unfit for service; tampering with his eyes with intent thereby to render himself unfit for service, such finding having been confirmed:

And every marine who may have been sentenced to penal servitude, or who has been discharged with ignominy:

And every marine who has been found guilty of felony in any court of ordinary criminal jurisdiction in England or Ireland, or of any crime or offence in any court of criminal judicature in any part of the United Kingdom, or in any dominion, territory, colony, settlement, or island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in England, amount to felony, if the Commissioners for executing the office of Lord High Admiral shall so direct:

shall thereupon forfeit all advantage as to good-conduct pay and pension on discharge which might have otherwise accrued from the length of his former service:

Also all salvage, prize money, and allowances that have been earned by him:

Also all medals and decorations whatsoever which he may be in possession of and authorised to wear, together with the annuity or gratuity (if any) thereto appertaining.

And any sergeant reduced to the ranks by sentence of court-martial may, by the order of the same court, be made to forfeit any annuity or pension, and medal for meritorious service, or any or either of them, which may have been conferred upon him.

Forfeiture of pay when in confinement;

34. If any non-commissioned officer or marine, by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorised to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, or, being an apprentice, by reason of his being allowed to serve out his time with his master, shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service, as herein-after provided, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his time of service may have been prolonged; and no marine shall be entitled to pay, or to reckon service towards pay or pension, when in confinement under a sentence of any court, or during any absence from duty by commitment or confinement as a deserter by confession or under any charge of which he shall be afterwards convicted, either by court-martial or by any court of ordinary criminal jurisdiction, or whilst in confinement for debt; and when any marine shall be absent as a prisoner of war he shall not be entitled to pay, or to reckon service towards pay or pension, for the period of such absence, but upon rejoining Her Majesty's service due inquiry shall be made by a court-martial, and unless it shall be proved to the satisfaction of such court that the said marine was taken prisoner through wilful neglect of duty on his part, or that he had served with or under, or in some manner aided, the enemy, or that he had not returned as soon as possible to Her Majesty's service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay, or a proportion

or during absence on commitment under a charge, or in arrest for debt;

or when prisoner of war;

or when convicted of desertion or absence without leave;

or when absent without leave.

thereof, and to reckon service during his absence; and any marine who shall be convicted of desertion, or of absence without leave, shall, in addition to any punishment awarded by the court, forfeit his pay for the day or days during which he was in a state of desertion, or during his absence without leave; and if any marine shall absent himself without leave for any period, and shall not account for the same to the satisfaction of the commanding officer, or if any marine shall be guilty of any other offence which the commanding officer may not think necessary to bring before a court-martial, the commanding officer may, in addition to any minor punishment he is authorised to award, order that such marine shall be imprisoned for such period not exceeding one hundred and sixty-eight hours, with or without hard labour, and with or without solitary confinement, as the said commanding officer may think fit, and such marine shall forfeit his pay for any day or days on which he may be so imprisoned; and the said commanding officer may moreover order that, in addition to or instead of such imprisonment and forfeiture, or any other punishment which he has authority to inflict, any marine who shall have so absented himself as aforesaid shall forfeit his pay for the day or days during which he shall have so absented himself; and, in pursuance of any such order as aforesaid, the pay of the marine shall be accordingly forfeited: Provided always, that such marine shall not be liable to be afterwards tried by a court-martial for any offence for which he shall have been so punished, ordered to suffer imprisonment, punishment, or forfeiture as last aforesaid: Provided also, that any marine who shall be so ordered to suffer imprisonment or forfeiture of pay shall, if he so request, have a right to be tried by a court-martial for his offence instead of submitting to such imprisonment or forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the payment of the whole or any part of the pay of any officer or marine during the period of absence by any of the causes aforesaid.

Stoppages.

35. In addition to any other punishment which the court may award, a court-martial may further direct that any offender may be put under stoppages until he shall have made good—

Any money or articles issued to him in respect to his fraudulent enlistment, or by reason of any fraudulent misrepresentation or concealment on his part:

Any loss, disposal of, or damage occasioned by him in any of the instances of disgraceful conduct herein specified:

Any loss, disposal of, or destruction of, or damage or injury to any property whatsoever, occasioned by his wilful or negligent misconduct:

Any loss, disposal of, or destruction of, or damage or injury to, his arms, clothing, instruments, equipments, accoutrements, or necessaries, or any extra article of clothing or equipment that he may have been put in possession of and ordered to wear on the recommendation of the surgeon for the benefit of his health, or making away with or pawning any medal or decoration for service or for general good conduct which may have been granted to him by order of Her Majesty or by order of the East India Company, or any medal or decoration which may

have been granted to him by any foreign power, or any loss, disposal of, or destruction of, or damage or injury to the arms, clothing, instruments, equipments, accoutrements, or necessaries of any officer or marine, occasioned by his wilful or negligent misconduct:

Any expense necessarily incurred by his drunkenness or other misconduct:

Provided always, that, except in the case of the loss, disposal of, or destruction of, or damage or injury to arms, clothing, instruments, equipments, accoutrements, or necessaries, in which case the court may by its sentence direct that the said stoppages shall continue till the cost of replacing or repairing the same be made good, the amount of any loss, disposal, destruction, damage or injury, or expense, shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the court: Provided also, that when an offender is put under stoppages for making away with or pawning any medal or decoration, the amount shall be credited to the public, but the medal or decoration in question shall not be replaced, except under special circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid: Provided also, that so much only of the pay of the marine may be stopped and applied as shall, after satisfying the charges for messing and washing, leave him a residue at the least of one penny a day.

Discharge with ignominy.

36. Whenever any marine shall have been convicted of desertion or of any such disgraceful conduct as is herein-before described, and the court in respect of such disgraceful conduct shall have made the forfeiture of all claim to pension on discharge a part of the sentence passed on such marine, such court may further sentence him to be discharged with ignominy from Her Majesty's service: Provided always, where an award of any of the forfeitures herein-before mentioned, or of deprivation of pay, or of stoppages of pay, shall have been added to a sentence of transportation or penal servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, or, if in the East Indies, for the officer commanding in chief Her Majesty's land forces in India, in the event of the sentence of transportation or penal servitude being commuted to imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Power of imprisonment by general, district, or garrison courts-martial.

37. A general or district or garrison court-martial may sentence any marine to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, in no case exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the court-martial shall imperatively order that the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

Power of imprisonment by divisional or detachment courts-martial.

38. Any divisional or detachment court-martial may sentence any marine to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and may also direct that such marine be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with intervals between them of not less duration than such periods of solitary confinement: Provided always, that when any court-martial, whether general, garrison, or district, or divisional or detachment, shall direct that the imprisonment shall be solitary confinement only, or when any sentence of corporal punishment shall have been commuted to imprisonment only, the period of such solitary confinement shall in no case exceed fourteen days.

Imprisonment of offender already under sentence.

39. Whenever sentence shall be passed by a court-martial on an offender already under sentence, either of imprisonment or of penal servitude, the court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Whenever Her Majesty, the Lords Commissioners of the Admiralty, or any general or other officer authorised to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall at the time of such commutation be under sentence of imprisonment or penal servitude, it shall be lawful to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Term and place of imprisonment.

40. Save as herein specially provided, every term of penal servitude or imprisonment under the sentence of a court-martial, whether original or revised, shall be reckoned as commencing on the day on which the original sentence and proceedings shall be signed by the president; and the place of imprisonment under the sentences of courts-martial shall be appointed by the court or the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the commanding officer of the division to which the offender belongs or is attached, or the officer commanding the district, garrison, island, or colony.

Proviso for removal of prisoners.

41. In the case of a prisoner undergoing imprisonment under sentence of a court-martial, or as part of commuted punishment, in any public prison other than a military prison, or in any gaol or house of correction or elsewhere, in any part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being, in all cases, or for the officer who confirmed the proceedings of the court, or the officer commanding the division or the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the

prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than a military prison, or in any gaol or house of correction, in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the officer commanding the Royal Marines there serving, in the case of any such prisoner, to give as often as occasion may arise an order in writing directing that the prisoner be discharged, or be delivered over to military or other custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction, either within the United Kingdom or elsewhere, to some other prison or place, either in the United Kingdom or elsewhere, the officer or authorities who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for War, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military or other custody as may be lawfully exercised by any of the authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military or other custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place, and such prisoner may during such time, either when on board ship or otherwise, be sub-

jected to such restraint as is necessary for his detention and removal.

Custody of prisoners under military sentence in common gaols.

42. Every governor, provost marshal, gaoler, or keeper of any public prison, or of any gaol or house of correction, in any part of Her Majesty's dominions, shall receive into his custody any military offender under sentence of imprisonment by a general or other court-martial, upon delivery to him of an order in writing in that behalf from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or from the officer commanding the division or detachment to which the offender belongs or did last belong or is attached, which order shall specify the period of imprisonment or remainder of imprisonment which the offender is to undergo, and the day and hour of the day on which he is to be released or be otherwise disposed of; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time, under an order duly made for that purpose; and every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any marine for a period not exceeding seven days, upon delivery to him of an order in writing in that behalf from the officer commanding such marine.

Subsistence of prisoners in common gaols.

43. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every marine imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every marine during the period of his imprisonment one shilling per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, which the Secretary of the Admiralty shall cause to be issued out of the subsistence of such marine, upon application in writing signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, and which sum of one shilling per diem, or such other sum as aforesaid, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time after the passing of such sentence; but the discharge of such person shall not be deemed in any manner to affect the provisions for the cost of his maintenance while undergoing a sentence of imprisonment or penal servitude, as otherwise enacted.

Notice to be given of expiration of imprisonment in common gaols.

44. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any debt or contempt, or upon any

charge or for any offence, civil, criminal, or military, is a marine, shall on receiving him into custody give notice thereof to the Secretary of the Admiralty, and also, previous to the expiration of the period of the confinement or imprisonment of such marine, give to the Secretary of the Admiralty one month's notice of the period of such expiration of confinement or imprisonment, or if there shall not be sufficient time for a month's notice, then the longest practicable notice thereof, specifying the day and hour of the day on and at which he is to be released; and for every default of giving either or any of such notices such gaoler or person shall forfeit the sum of twenty pounds; and moreover every gaoler or other person having such immediate inspection as aforesaid shall, as soon as any such marine shall be entitled to be discharged out of custody, with all convenient speed, safely and securely conduct and convey and safely and securely deliver every such marine either unto the officer commanding at the nearest head quarters of the Royal Marines or to the officer commanding Her Majesty's ship to which any such marine may happen to belong, unless the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty, or the officer commanding at the nearest head quarters of the Royal Marines, or the officer commanding Her Majesty's ship to which any such marine may belong, shall, by writing under his hand, direct that such marine be delivered to some other officer or person, in which case he shall be delivered to such other officer or person accordingly, and the officer or person to whom such marine shall be so delivered in accordance with this Act shall thereupon give to such gaoler or person delivering up such marine a certificate, directed to the Secretary of the Admiralty, specifying the receipt of such marine, and, if such gaoler or other person as aforesaid has conducted or conveyed any such marine, specifying the place from and to which he shall have been conducted and conveyed as aforesaid; and such gaoler or person who shall have so conducted, conveyed, and delivered any such marine shall, upon the production of such certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the sum of one shilling per mile, and no more, for conducting, conveying, and delivering any such marine as aforesaid; and every such gaoler or other person having such immediate inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such marine as aforesaid shall for every such misconduct or offence forfeit and pay the sum of one hundred pounds. In all cases where the marine in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of the Admiralty or to the Deputy Adjutant General of Marines.

Military prisons established under any Act for punishing mutiny and desertion in the army to be deemed public prisons.

45. Every military prison which shall be established under or by virtue of any Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be deemed to be public prisons within the meaning of any Act now in force or hereafter to be in force for the regulation of Her Majesty's Royal Marine forces; and any officer or marine convicted by a court-martial may be sent, by order of the Commissioners for executing the office

of Lord High Admiral, to any such military prison, there to undergo such punishment as may be awarded by the sentence passed upon him, or until he be discharged or delivered up by an order, as in the case of a discharge or removal from any other prison under this Act.

Musters, and penalty on false musters.

46. Musters, as have been customary, shall be taken of every division or company of Royal Marines once in every calendar month, as shall be appointed; and no officer or marine shall be absent from any such muster, unless duly certified to be employed on some other duty of the corps, or sick, or in prison, or on furlough; and every person belonging to Her Majesty's service who shall give or procure to be given any untrue certificate thereby to excuse any person from any muster or other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or who shall willingly allow or sign any false muster or duplicate thereof, or shall directly or indirectly take or receive any money or gratuity for mustering any person, or for signing any muster roll or duplicate, or shall knowingly muster any person by a wrong name, shall, upon proof by two witnesses before a general court-martial, for any such offence be sentenced to be cashiered: Provided that it shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of rank as may be deemed expedient; and any person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any horse to be falsely mustered, shall, upon proof thereof by the oaths of two witnesses before some justice of the peace residing near to the place where such muster shall be made, forfeit the sum of twenty pounds, and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged; and if any person not belonging to Her Majesty's service shall give or sign any untrue certificate of illness or otherwise in order to excuse any officer or marine from appearance at any muster, or whereby Her Majesty's service may be defrauded, every person so offending shall for every such offence forfeit the sum of fifty pounds.

Verifying of muster rolls.

47. All muster rolls and pay lists of Royal Marines required to be verified upon oath shall be sworn before and attested by any justice of the peace, without fee or reward to himself or his clerk.

Trials for desertion after subsequent re-enlistment.

48. Every marine shall be liable to be tried and punished for desertion from any corps into which he may have unlawfully enlisted, although he may of right belong to another corps, and be a deserter therefrom; and whether such marine shall be tried for deserting from the corps to which he may of right belong, or from the corps into which he may have unlawfully enlisted, or for any other desertion, every desertion previous or subsequent to that for which he may at the time be taking his trial may, if duly stated in the charges, be given in evidence against him on such trial.

Apprehension of deserters.

49. Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable or other person to apprehend him, and forthwith bring him before a justice acting for any county, district, city, borough, or place wherein or near to which the place in which he was apprehended is situate; and the justice shall deal with the

suspected deserter as if he were brought before him by warrant in accordance with the provisions of an Act passed in the eleventh and twelfth years of Her present Majesty, chapter forty-two, section twenty-one; and upon its appearing to the justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, that the accused is a deserter, he shall cause him to be conveyed to the head quarters of the division or depôt to which he may appear to belong, or to the nearest or most convenient military or police station, or other place legally provided for the confinement of persons in custody, or delivered up to a party of marines in charge of a non-commissioned officer, as to the justice may seem most expedient, having regard to the safe custody of such suspected deserter; and the justice shall make a report to the Secretary of the Admiralty of the persons through whom or by whose means the deserter was apprehended or secured; and for such information, commitment, and report the gaoler or other person into whose custody the accused is committed shall pay at the time of commitment to the clerk to the justice the sum of two shillings; and the Secretary of the Admiralty, upon receipt of a report of the same, together with a copy of the commitment, shall cause such sum to be repaid to such gaoler or other person so entitled; and upon the report of a justice as aforesaid, the Secretary of the Admiralty shall cause to be paid to the person or persons by whom or through whose means it shall appear to his satisfaction that the deserter was apprehended and secured a sum not exceeding forty shillings; and the justice shall in every case transmit to the Secretary of the Admiralty a descriptive return in the form prescribed in the schedule to this Act annexed; and a return purporting to be so made shall be evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred, by order of the colonel commandant or other officer commanding, to serve in any division, corps, detachment, or party nearest to the place where he shall have been apprehended, or to any other division, corps, detachment, or party to which the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

11 & 12 Vict. c. 42. s. 21.

Transfer of deserters.

50. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any marine or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the Admiralty, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Temporary custody of deserters in gaols.

Fraudulent confession of desertion.

51. Any person who, while serving in Her Majesty's Navy or in any of Her Majesty's forces, or the embodied militia, shall to any officer, or subordinate, warrant, petty, or non-commissioned officer, fraudulently confess himself to be a deserter from Her Majesty's Royal Marine forces, shall be liable to be tried by any court-martial under this Act, and punished according to the sentence thereof; and any person who shall voluntarily deliver himself up as and confess himself to be a deserter from Her Majesty's Royal Marine forces, or who, upon being apprehended for any offence, shall in the presence of the justice confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a marine, and shall be liable to serve in Her Majesty's Royal Marine forces, whether such person shall have been ever actually enlisted as a marine or not; or in case such person shall not be a deserter from the Royal Marine forces, or shall have been discharged therefrom or from any other corps for any cause whatever, or shall be incapable of service, he shall, on conviction thereof before two justices of the peace at or near the place where he shall deliver himself up or confess, or where he may at any time happen to be, be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three months, or shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England or Ireland, of an Act passed in the session holden in the twenty-fourth and twenty-fifth years of Queen Victoria, intituled "An Act to consolidate and amend the "Statute Law of England and Ireland relating to Larceny and other "similar offences," or, if in Scotland, shall be deemed guilty of falsehood, fraud, and wilful imposition; and every person so deemed to be guilty of obtaining money under false pretences, or of falsehood, fraud, and wilful imposition, (as the case may be,) shall be liable to be proceeded against and punished accordingly; and the confession and receiving subsistence as a marine by such person shall be evidence of the false pretence, or of the falsehood, fraud, and imposition, (as the case may be,) and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or shall have been summarily convicted and punished in England as a rogue and vagabond, or in Scotland or Ireland by commitment, for making a fraudulent confession of desertion, such former conviction may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction of the former offence, purporting to be signed by the clerk of the court or other officer having the custody of the record of the court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon

24 & 25 Vict. c. 96.

proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate; and if the person so confessing himself to be a deserter shall be serving at the time in Her Majesty's Royal Marine forces he shall be deemed to be and shall be dealt with by all justices and gaolers as a deserter.

Punishment for inducing marines to desert.

52. Any person who shall, in any part of Her Majesty's dominions, by any means whatsoever, directly or indirectly procure any marine to desert or absent himself from his duty without leave from his commanding officer, or attempt to procure or persuade any marine to desert or absent himself from his duty, and any person who, knowing that any marine is absent from his duty without leave from his commanding officer, shall harbour or conceal such marine, or aid or assist such marine in concealing himself, or aid and assist in his rescue, or aid or assist him to desert, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Extension of furlough in case of sickness.

53. When there shall not be any officer of Her Majesty's land or marine forces of the rank of captain or of a superior rank, or any adjutant of militia, within convenient distance of the place where any non-commissioned officer or marine, not borne on the books of any of Her Majesty's ships or vessels in commission as aforesaid, and who shall be on furlough, shall be detained by sickness or other casualty rendering necessary an extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall immediately certify such extension, and the cause thereof, to the commanding officer of the division or detachment to which the man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary allowance of pay and subsistence may be remitted to the marine, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any marine from trial and punishment according to the provisions of this Act for any false representation made by him in that behalf to the said officer or justice so extending the furlough, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

Marines liable to be taken out of Her Majesty's service only for felony and certain misdemeanors, or for debts amounting to 30*l.* and upwards;

54. Any person enlisted into Her Majesty's Royal Marine forces as a marine, or who has received marine enlistment money, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony, or on account of misdemeanor, or of any crime or offence other than the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some

judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the fact sworn to, and the day of filing such affidavit; but no marine or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatsoever, or to be taken out of Her Majesty's service by any writ, summons, order, warrant, judgment, execution, or any process whatever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences, on account of any of the matters for which it is herein declared that a marine is not liable to be taken out of Her Majesty's service, shall be utterly illegal, and null and void to all intents and purposes; and any judge of any such court may examine into any complaint made by a marine or by his superior officer, and by warrant under his hand discharge such marine, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such marine out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any marine or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or marine necessaries or equipments of such marine: Provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices duly bound under the age of twenty-one years, as herein prescribed.

but not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

55. No person who shall be commissioned and in full pay as an officer in the Royal Marine forces, or who shall be employed in enlisting for such forces, shall be capable of being nominated or elected to be sheriff, and no such officer and no non-commissioned officer of such forces shall be capable of being nominated or elected to be a constable, or overseer, guardian of any union, or any officer of a like description, of any county, hundred, riding, city, borough, town, division, parish, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland, or be summoned or shall serve as a grand or petit or other juror or upon any inquest, and any summons for him to attend to serve as a grand or petit or other juror or upon an inquest shall be null and void; and every such person is hereby exempted from attendance and

Officers not to be sheriffs, mayors, &c.

service in accordance with any such summons, and from all fines, pains, and penalties for or in consequence of not attending or serving as aforesaid.

Questions to be put to recruits on enlisting.

56. Every person authorised to enlist recruits for the Royal Marines shall first ask the person offering to enlist whether he belongs to any and what force in Her Majesty's service, and also such other questions as the said Lord High Admiral or the said Commissioners may direct to be put to such persons, and in case of a recruit shall, immediately after giving him enlisting money, serve him with a notice in the form set forth in the schedule to this Act annexed.

Recruits when deemed to be enlisted.

57. Every person who shall receive enlisting money in manner aforesaid shall upon such receipt be deemed to be enlisted as a marine in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

58. Every person so enlisted as aforesaid shall within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included), but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the marines, for the purpose of being attested as a marine, or of objecting to his enlistment.

Dissent and relief from enlistment.

59. When a recruit, upon appearing before a justice for the purposes aforesaid, shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the commandant of the division for which the marine shall have enlisted ; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless upon repayment of the enlisting money and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he shall be entitled to be discharged ; and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of the Admiralty and to the recruiting officer, shall be paid over to any person belonging to the recruiting party who may demand the same ; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

60. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows : the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation which the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, shall have ordered to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and vagabond, and the answers of the recruit shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and

shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration and taken the oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and if the recruit shall make a wilfully false answer to any such question, he shall be liable to be punished as a rogue and a vagabond; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits until they have been attested or received pay not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

61. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person, previously to his being attested or enrolled, shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, either to attest such recruit as a marine, or to sentence him to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months. And any marine who shall have given any false answer at the time of or relative to his becoming a marine shall forfeit all pay, wages, and other moneys, be the same naval, marine, or otherwise, which he might otherwise have been entitled to for any period of service in the Royal Marines.

Attested recruits triable in some cases either before two justices or before a court-martial.

62. Any person who shall have been attested or enrolled, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the said Lord High Admiral or the said Commissioners, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct, and the declaration purporting to be made by such person on his attestation or enrolment, in accordance with the schedule to this Act annexed, or with the regulations of the said Lord High Admiral or the said Commissioners, shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices, or before any court-martial, of such person having represented the several particulars as stated in such declaration.

A letter purporting to be signed by or on behalf of the Lords of the Admiralty, or the commanding officer of the ship, corps, or regiment to which such person shall appear to have belonged, shall

on any trial be evidence of the facts stated therein in relation to the service or discharge of such person.

Recruits absconding.

63. If any recruit shall abscond so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought regularly to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true, and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment a justice of any county or borough shall be deemed to be a justice of any other county or borough.

As to militiamen enlisting into regular forces.

64. If any man while belonging to any regiment or corps, the regular reserve, or auxiliary forces, shall, without being discharged by the proper authorities, thereupon enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial, and in case such militiaman shall have belonged to the militia reserve at the time of his attestation he shall be subjected to a further stoppage of one penny a day for two hundred and forty days, to be applied as the Secretary of State for War shall direct, and further to determine whether such man shall be returned to his militia regiment after such sum shall have been made good, or shall be deemed to be a marine in the same manner as he would have been if he had not been a militiaman at the time of his attestation: Provided also, that every soldier who, while belonging to a militia regiment, enlisted in Her Majesty's Royal Marines, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall, subsequently to his enlistment, have rendered long, faithful, or gallant service, the Lords Commissioners of the Admiralty may, upon the special recommendation of the Deputy Adjutant General, Royal Marines, order that he may reckon service for pension from the date of his attestation.

23 & 24 Vict. c. 9.

Volunteer permanent staff officers enlisting into regular forces.

65. If any non-commissioned officer of the volunteer permanent staff shall enlist into the Royal Marines, he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for War, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him, and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and

not duly delivered up by him, or may cause him to be held to his service in the Royal Marines with a direction, if it seems fit, that his term of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired, and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the volunteer permanent staff, and not duly delivered up by him.

Penalty on persons offending as to enlistment.

66. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's service shall be liable to be tried for such offence by a general or other court-martial, and to be sentenced to such punishment, other than death or penal servitude, as such court may award.

As to re-enlistment abroad.

67. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, or for the officer commanding any ship or vessel of Her Majesty on the books of which any marine may be borne, or on board of which any such marine may be, or, notwithstanding anything in this Act contained, for the commanding officer of any battalion or detachment of Royal Marines, whether borne on the books of any one of Her Majesty's ships or otherwise, to re-engage or enlist and attest out of Great Britain or Ireland any marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine forces, if such marine be considered by such commanding officer, justice, or magistrate a fit person to continue in Her Majesty's service; and every such commanding officer, justice, or magistrate shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices of the peace in the United Kingdom for all such purposes of enlistment and attestation, and any marine so re-enlisted or re-engaged shall be deemed to be an attested marine.

Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.

68. Any person duly bound as an apprentice who shall enlist into Her Majesty's Royal Marine forces, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice, shall be deemed guilty of obtaining money by false pretences, if in England or in Ireland, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a marine according to the terms of the enlistment, and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's Royal Marine forces.

Claims of masters to apprentices.

69. No master shall be entitled to claim an apprentice who shall enlist as a marine in Her Majesty's service unless such master shall, within one calendar month next after such apprentice shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and at the time of making his claim produce to the officer under whose command the recruit shall be the certificate of such justice of his having taken

such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; nor unless such apprentice shall have been bound, if in England, for the full term of five years, (not having been above the age of fourteen years when so bound,) and if in Ireland or in the British Isles, for the full term of five years at the least, (not having been above the age of sixteen when so bound,) and if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been endorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to endorse and sign; nor unless any such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than five or four years as aforesaid: Provided also, that any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice shall be entitled to receive, to his own use, so much of the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice.

No apprentice claimed by the master shall be taken away without a warrant.

70. No apprentice claimed by his master shall be taken from any division, detachment, recruiting party, or ship of Her Majesty, except under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, and before whom he shall be carried; and such justice shall inquire into the matter upon oath (which oath he is hereby empowered to administer), and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that

Punishment of apprentices enlisting.

any justice not required as aforesaid to commit such apprentice may deliver him to his master.

Removal of doubts as to attestation of marines.

71. No person who shall for six months, and either before or after the passing of this Act, have received pay and be borne on the strength and pay list of any division of Her Majesty's Royal Marine forces, of which the last quarterly pay list (if produced) shall be evidence, or been borne as a marine on the books of any of Her Majesty's ships in commission, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be.

Power to Admiralty to order pay to be withheld.

72. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the office of Lord High Admiral, to give orders for withholding the pay of any officer or marine for any period during which such officer or marine shall be absent without leave, or improperly absent from his duty, or in case of any doubt as to the proper issue of pay to withhold it from the parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a determination upon the case.

Billeting of marines.

73. And whereas there is and may be occasion for the marching and also for the quartering of the Royal Marine forces when on shore:

Be it enacted, that during the continuance of this Act, upon the order or orders of the Lords Commissioners of the Admiralty, signified in writing in that behalf under the hand of the Secretary of the Admiralty, or upon the order or orders in writing in that behalf under the hand of any colonel commandant or commanding officer of any division of Royal Marines, it shall be lawful for all constables and other persons specified in this Act in Great Britain and Ireland, and they are hereby required, to billet the officers and marines, whether marching or otherwise, and all staff and field officers horses, and all bât and baggage horses belonging to the Royal Marine forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act, taking care in Ireland not to billet less than two men in any one house; and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victualler with proper accommodation in such houses, and with a separate bed for each marine, or if any victualler shall not have sufficient accommodation in the house upon which a marine is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when marines are on their march shall any of them be billeted above one mile from the place mentioned in the route, care being always taken that the billets be made out for the less distant houses in which suitable accommodation can be found before making out billets for the more distant; and in all places where marines shall be billeted in pursuance of this Act, the officers and their horses shall be billeted in one and the same house,

except in case of necessity; and the constables are hereby required to billet all marines on their march in the manner required by this Act upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or a different county, in like manner in every respect as if such houses were all locally situated within such place: Provided always, that nothing herein contained shall be construed to extend to authorise any constable to billet marines out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective marines and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present, or to the non-commissioned officer on the spot; and if any person shall find himself aggrieved by having an undue proportion of marines billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such marines are billeted, such justices respectively shall have power to order such of the marines to be removed and to be billeted upon other persons as they shall see cause; and when any horses belonging to the officers of Her Majesty's Royal Marine forces shall be billeted upon the occupiers of houses who shall have no stables, then, upon a written requisition of the officer commanding such marines, the constable is hereby required to billet the horses upon some other person or persons having stables, and who are by this Act liable to have officers and marines billeted upon them, and any two or more justices of the peace may order a proper allowance to be paid by the persons relieved to the persons receiving such horses, or to be applied in the furnishing the requisite accommodation; and the commanding officer may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the convenience or benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively, and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any marines requiring billets, to extend any route, or to enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to Her Majesty's service: Provided also, that to prevent or punish all abuses in billeting marines, it shall be lawful for any justice, within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and marines who shall be quartered by such constables, together with the names of the persons upon whom such officers and marines are billeted, stating the street or place where such persons dwell, and the signs, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted: Provided also, that no justice being an officer of Royal Marines shall directly or

indirectly be concerned in billeting or appointing quarters under this Act.

Allowance to innkeepers.

74. The innholder or other person on whom any marine is billeted in Great Britain shall, if required by such marine, furnish him for every day on the march, and for a period not exceeding two days, when halted at any intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previously to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of thirteenpence halfpenny, and twopence halfpenny for a bed; and all innholders and other persons on whom marines may be billeted in Great Britain or Ireland, except when on the march in Great Britain, and entitled to be furnished with the hot meal as aforesaid, shall furnish such marines with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each marine; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's Royal Marine forces shall be billeted, in Great Britain or Ireland, for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a division, detachment, or party shall every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, marines, or horses are billeted, out of the pay and subsistence of such officers and marines, before any part of the said pay or subsistence be paid or distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situate, sitting in quarter or petty sessions, the Secretary of the Admiralty is hereby required, upon certificate of the justices before whom such oath shall be made of the sum due to complainant, to order payment of the amount which shall be charged against such officer; and in case of any marines being suddenly ordered to march, and of the commanding officer or non-commissioned officer not being enabled to make payment of the sums due on account of billets, every such officer or non-commissioned officer shall before his departure make up the account with every person upon whom any such marines may have been billeted, and sign a certificate thereof; which account and certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the account of such officer or non-commissioned officer.

Supply of carriages.

75. For the regular provision of carriages for the Royal Marine forces and their baggage on their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions,

being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral for the time being, or any colonel commandant or commanding officer of a division of Royal Marines, shall, on the production of such order, or a copy thereof certified by the commanding officer, to them or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where marines may be quartered on the march, the justice or justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, which list shall at all seasonable hours be open to the inspection of the said persons, and shall by warrant under his hand authorise the constables within his jurisdiction to give orders to provide carriages without any special warrant from him for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done.

Rates for carriages.

76. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile every other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland for every hundredweight loaded on any wheel carriage one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total additional sum per mile of fourpence, threepence, or twopence to the respective rates of one shilling, ninepence, and sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the

recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, and the period for which the order shall be enforced, not exceeding ten days, beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of the Admiralty within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles, the justice granting his warrant may fix a further reasonable compensation not exceeding the usual rate of hire fixed by this Act; and when additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages, by virtue of the warrant of a justice shall, in Great Britain, pay down the proper sums into the hands of the constable providing carriages, who shall give receipts for the same on unstamped paper; and, in Ireland, the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time without hindrance of Her Majesty's service: Provided also, that a cart with one or more horses, for which the furnisher shall receive ninepence a mile, shall be required to carry fifteen hundredweight at the least; and that no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses or oxen or weight of loading of the aforesaid carriages, nor shall any such carriages on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of marines from Dublin at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays at his discretion out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or em-

ployed against the will of the owners in carrying the baggage of marines on any pretence whatever.

As to supply of carriages, &c. in cases of emergency.

77. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of Ireland, by their or his orders distinctly stating that a case of emergency doth exist, signified by the Secretary of the Admiralty, or, if in Ireland, by the chief secretary or under secretary, or the first clerk in the military department, to authorise any commanding officer of Her Majesty's Royal Marine forces in any district or place, or to the chief acting agents for the supply of stores and provisions, by writing under his hand, reciting such order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon not only the baggage, provisions, and military stores of such detachment, but also the officers, marines, servants, women, children, and other persons of and belonging to the same.

Justices of peace to direct payment of sums expended for carriages, &c.

78. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such

carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogues money and assessments directed and authorised to be assessed and levied by an Act passed during the session holden during the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

20 & 21 Vict. c. 72.

Lord Lieutenant of Ireland may depute persons to sign routes.

79. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency for the marching of any of Her Majesty's Royal Marine forces in Ireland in the name of such Lord Lieutenant or Chief Governor.

Exemption from tolls.

80. All officers and marines on duty or on their march, being in proper uniform, dress or undress, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when employed in conveying any such persons as aforesaid or their baggage or stores, or returning from conveying the same, shall be exempted from the payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any prescription, grant, or custom, or by virtue of any Act or ordinance, order or direction, of any colonial legislature or other authority in any of Her Majesty's colonies; and if any toll collector shall demand or receive toll from any marine officer or marine on duty or on their march who shall be in proper uniform, dress or undress, or for their horses, and who by this Act is exempted from payment thereof, or from any recruits marching by route, or from any prisoners under military escort, or for any carriages or horses belonging to Her Majesty or employed in her service under the provisions of this Act, when conveying persons or baggage or stores, or returning therefrom, every such collector shall for every such offence be liable to a penalty not exceeding five pounds; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein mentioned; and that when any officers or marines on service shall have occasion in the march by route to pass regular ferries in Scotland, the officer commanding shall be at liberty to pass over with his marines as passengers, paying for himself and each marine one half only of the ordinary rate payable by passengers, or he shall be at liberty to hire the ferry boat for himself and his party, debarring all others for that time, and shall in such case pay only half the ordinary rate for such boat.

Marching money on discharge.

81. Every marine upon being discharged from the service shall be entitled to an allowance (not exceeding in any case the amount of twenty-one days marching money) to enable him to reach his home, or the place at which he shall at the time of his discharge decide to take up his residence, if the cost of conveyance to such a

place shall not exceed the cost of conveyance to the place of his original enlistment, which allowance shall be calculated according to the distance he has to travel: Provided always, that no person who shall purchase his own discharge, or be discharged on account of misbehaviour, or at his own desire, before the expiration of his period of service, shall be entitled to any such allowance.

Penalties upon civil subjects offending against the laws relating to billets and carriages.

82. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or marines in any part of the United Kingdom shall presume to billet any such officer or marine in any house not within the meaning of this Act without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or marine on duty when thereunto required in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such marines; or shall receive, demand, or agree for any money or reward whatsoever in order to excuse any person from receiving any such officer or marine; or shall quarter any of the wives, children, men or maid servants of any officer or marine in any such houses against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall demand more than the legal rates for the same, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any person liable by this Act to have any officer or marine quartered on him shall refuse to receive any such officer or marine, or to afford him proper accommodation or diet in the house of such person in which he is quartered, or to furnish the several things directed to be furnished to officers and marines, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland, for each horse, in such quantities and at such rates as herein-before provided, or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum of money to any marine on the march in lieu of furnishing in kind the diet and small beer to which such marine is entitled; such constable, victualler, and other person respectively shall forfeit for every offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a marine or marine recruit with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor than less twenty shillings.

Penalty upon officers of marines so offending.

83. If any officer of Royal Marines shall take upon him to quarter men otherwise than is allowed by this Act, or shall use or offer any menace or compulsion to or upon any justice, constable, or other civil officer tending to deter and discourage any of them from performing any part of their duty under this Act, or to do anything

contrary thereto, such officer shall for every such offence, being thereof convicted before any two or more justices of the county by the oath of two credible witnesses, be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided a certificate of such conviction be forthwith transmitted by the said justices to the Secretary of the Admiralty, and that the conviction be affirmed at some quarter sessions of the peace for the said county to be held next after the expiration of three months after such certificate shall have been transmitted as aforesaid; and if any marine officer shall take or knowingly suffer to be taken from any person any money or reward for excusing the quartering of officers or marines, or shall billet any of the wives, children, men or maid servants of any officer or marine in any house against the consent of the occupier, he shall for any of the said offences, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any marine or servant (except such as are sick) or any woman to ride therein, except in cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, he shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty for forcible entry in pursuit of deserters without warrant.

84. Every marine officer or marine who shall, without warrant from one or more of Her Majesty's justices, forcibly enter into or break open the dwelling-house or outhouse of any person whomsoever in pursuit of any deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Penalty for purchasing clothes, &c. from any marine.

85. Any person who shall knowingly detain, buy, or exchange, or otherwise receive from any marine or marine deserter, or any other person acting for or on his behalf, upon any account or pretence whatsoever, or who shall solicit or entice any marine or marine deserter, or shall be employed by any marine or marine deserter, knowing him to be such, to sell any arms, ammunition, medals for good conduct or distinguishment or other service, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, sheets, or other articles used in barracks or provided under barrack regulations, whether on shore or afloat, and whether the marine or marine deserter or other person be or be not borne on the books of any one of Her Majesty's ships, or be or be not embarked, or who shall have in his or her possession or keeping any arms, ammunition, medals, marine clothes, or military furniture, or any other articles which, according to the

custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, spirits, sheets, or other articles used in barracks or provided under barrack regulations, and shall not give a satisfactory account how he or she came by the same, or shall change or cause the colour or mark of any such clothes, appointments, necessaries, sheets, or other articles to be changed or defaced, or who shall pawn, sell, or deposit in any place or with any person such articles of regimental necessaries, with or without the consent of such marine, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles; and if any person having been at any time previously convicted of either of the above offences under this or any previous Act for the regulation of Her Majesty's Royal Marine forces while on shore shall afterwards be guilty of any such offence, he or she shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles, and shall, in addition to such forfeiture, be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned with or without hard labour, for such term not exceeding six calendar months as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove, on oath before a justice of the peace or person exercising like authority according to the laws of that part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession or on his or her premises any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may and he is hereby required to grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law.

Penalty on unlawful recruiting.

86. Every person (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the Royal Marines, or shall open or keep any house or place of rendezvous or office, or receive any person therein under such bill or advertisement as connected with the marine recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty on killing game without leave.

87. For the better preservation of the game and fish in or near places where any officer shall at any time be quartered, every officer who shall, without leave in writing from the person or persons

entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom, shall for every such offence forfeit the sum of five pounds.

Limitations of actions.

88. If any action shall be brought against any member or members of a court-martial to be assembled under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, in respect of the proceedings or the sentence thereof, or against any other person for anything done in pursuance or under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, the same shall be brought in some one of the Courts of Record at Westminster or Dublin, or in the Court of Session in Scotland, and shall be commenced within six months next after the cause of action shall arise, and it shall be lawful for the defendant or defendants therein, or in any such action now pending, to plead thereto the general issue, and to give all special matter in evidence on the trial; and if the verdict shall be for the defendant in any such action, or if the plaintiff shall become nonsuit or suffer any discontinuance thereof, or if, in Scotland, the court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the matter shall be tried shall allow the defendant treble costs, for the recovery of which he shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants.

Recovery of penalties.

89. All offences for which any penalties and forfeitures are by this Act imposed, not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined and such penalties and forfeitures, and forfeiture of value or treble value recovered, in every part of the United Kingdom except Scotland, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An "Act to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect to "summary convictions and orders," and in Scotland by and before one or more justices of the peace under the provisions of the Summary Procedure Act, 1864: Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; which last-recited Act but one shall be used and applied in Ireland for the recovery of all such penalties and forfeitures as fully to all intents as if the said recited Act had extended to Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating the pro- "ceedings at petty sessions, and the duties of justices of the peace "out of quarter sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles, or in any of Her Majesty's dominions beyond the seas, may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority, according to the laws of the part of Her

11 & 12 Vict. c. 43.

27 & 28 Vict. c. 53.

14 & 15 Vict. c. 93.

Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the Courts of Record at Westminster or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices or the court imposing such penalty or forfeiture.

Appropriation of penalties.

90. One moiety of every such penalty or forfeiture, not including any treble value of any articles, shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of such articles, or, where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value, shall be paid over and applied in such manner as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall direct, anything in an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the regulation of "municipal corporations in England and Wales," or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the furthest report the same, and his adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licenses of canteens.

91. It shall be lawful for any two justices of the peace, within their respective jurisdictions, to grant or transfer any license for selling by retail any spirit, beer, wine, cider, or perry to any person or persons applying for the same who shall hold any canteen under any lease thereof, or by agreement with any department or other authority under the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, without regard to the time of year, or any notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise or their proper officers within their respective districts shall also grant or transfer any such license as aforesaid; and such persons holding such canteens, and having such licenses as aforesaid, may sell therein victuals, and all such exciseable liquors as they shall be licensed and empowered to sell, without being subject for so doing to any penalty or forfeiture whatever.

Mode of recording a marine's settlement.

92. The statement made by a recruit on his attestation of his place of birth shall (until legally disproved) be taken to be the place of his settlement, to which upon his discharge he may be sent by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being, but any justice in the United Kingdom, within whose jurisdiction any marine shall be quartered on shore, may summon such marine before him, which summons such marine is hereby required to obey, and take his examination in writing upon oath touching the place of his last legal settlement; and such justice shall give an attested copy of such examination to the person so examined, to be by him delivered

to his commanding officer to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence as to such legal settlement before any justice or at any general or quarter sessions of the peace, although such marine be dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such justice a copy of such examination or a copy of such attested copy of examination, if required.

Liability of marine to maintain wife and children.

93. Notwithstanding anything in this Act contained, a marine shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a marine; but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability, or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle "and disorderly persons, and rogues and vagabonds, in that part of "Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union; nor shall he, in Ireland, be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the "punishment of vagrants and persons offending against the laws in "force for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

5 G. 4. c. 83.

10 & 11 Vict. c. 84.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a marine, or, in Scotland, decree is pronounced by a court of law having jurisdiction in an action of aliment or filiation and aliment against a marine for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any marine being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An "Act to amend the law enabling boards of guardians to recover "costs of maintenance of illegitimate children in certain cases in "Ireland," or when any order or decree has been made on or against any marine for the recovery of the cost of any relief given to the

26 & 27 Vict. c. 21.

wife or child of such marine under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, and the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other marine, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a marine under the said Acts, or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such marine is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the marine) sufficient to enable him to attend the hearing of the case, and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a marine if served after the time at which an order has been given for his embarkation for service out of the United Kingdom.

Administration of oaths.

94. All oaths and declarations which are authorised or required by this Act may be administered (unless where otherwise provided) by any justice of the peace or other person having authority to administer oaths and declarations; and any person giving false evidence, or taking a false oath or declaration where an oath or declaration is authorised or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to; and every commissioned officer convicted before a general court-martial of perjury shall be cashiered, and every marine or other person amenable to the provisions of this Act found guilty thereof by a general or other court-martial shall be punished at the discretion of such court: Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Perjury.

Definition of terms.

95. All clauses and provisions in this Act contained relating to England shall be construed to extend to Wales and to the town of Berwick-upon-Tweed; and the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer of Royal Marines, or who are or shall be listed or in pay as a non-commissioned officer or marine; and all clauses and provisions relating to marines shall be construed to include non-commissioned officers and drummers, unless when otherwise provided;

and all clauses and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions; and all the powers given to and regulations made for the conduct of constables, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act; and all powers and provisions for billeting marines in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, to all houses of persons licensed to sell beer, ale, porter, cider, or perry by retail, to be consumed or drunk in their dwelling-houses or premises, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin by retail in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then marines may be billeted in such manner as has been heretofore customary: Provided always, that no officer or marine shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the Admiralty, War, or Marine Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of that company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses; nor in the house of any distiller kept for distilling brandy and strong waters; nor in the house of any shopkeeper whose principal dealings shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses; nor in the house or residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Repeal of sect. 2. and Schedule A. of 10 & 11 Vict. c. 63.

96. The second section of the Act passed in the tenth and eleventh years of Her Majesty, chapter sixty-three, and Schedule A. annexed to the said Act, are hereby repealed.

Duration of Act.

97. This Act shall be in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-eight until the twenty-fifth day of April one thousand eight hundred and seventy-nine inclusive; and within Ireland, and in Jersey, Guernsey, Alderney, Sark, and the Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-eight until the first day of May one thousand eight hundred and seventy-nine inclusive; and within the garrison of Gibraltar, and within the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-eight until the first day of August one thousand eight hundred and seventy-nine inclusive; and in all other parts of Europe where Royal Marine forces may be serving, and the West Indies and North America, and Cape of Good Hope,

from the first day of September one thousand eight hundred and seventy-eight until the first day of September one thousand eight hundred and seventy-nine inclusive; and in all other places from the first day of February one thousand eight hundred and seventy-nine until the first day of February one thousand eight hundred and eighty inclusive: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein contained to the contrary notwithstanding.

SCHEDULE referred to by this Act.

Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the evidence in the matter now before you. So help you GOD.

YOU shall duly administer justice, according to the rules and articles for the better government of Her Majesty's Royal Marine forces, and according to an Act now in force for the regulation of the said forces while on shore, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said articles or Act, according to your conscience, the best of your understanding, and the custom of war in the like cases: And you shall not divulge the sentence of the court until it shall be duly approved; neither shall you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law.

So help you GOD.

Form of Oath of Judge Advocate.

I do swear, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court until it shall be duly approved.

So help me GOD.

Notice to be given to a Recruit at the Time of his Enlistment.

Date 18 .

A.B.

TAKE notice, that you enlisted with at o'clock* on the day of for the Royal Marines, and if you do not come forward to [*here name some place*] on or before o'clock* on the day of for the purpose of being taken before a justice, either to be attested or to release yourself from your engagement by repaying the enlisting shilling and any pay you may have received as a recruit, and by paying twenty shillings as smart money, you will be liable to be punished as a rogue and vagabond.

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* At A.M. or P.M., as the case may be.

You are hereby also warned that you will be liable to the same punishment if you make any wilfully false representations at the time of attestation.

Signature of the non-commissioned officer serving the notice. } _____

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the parish of in the county of , do solemnly and sincerely declare, that to the best of my knowledge and belief I was born in the parish of (*a*) in or near the town of (*b*) in the county of (*c*) , and am years of age; that I am of the trade or calling of [*or* of no trade or calling, *as the case may be*]; that I am not an apprentice; that I am married (that I am not a widower; that I am a widower, and that I have (*or* have not) children) [*or* not married, *as the case may be*]; that I do not belong to the militia, or to the Naval Coast Volunteers, or Royal Naval Volunteers, or to any portion of Her Majesty's land or sea forces; that I have never served Her Majesty by land or sea in any military, marine, or naval employment whatsoever, except ; that I have never been marked with the letter D; that I have never been rejected as unfit for Her Majesty's service on any previous enlistment; that I was enlisted at on the day of 18 , at o'clock M. by of , and that I have read [*or* had read to me] the notice then given to me and understood its meaning; that I enlisted for a bounty of and a free kit [*as the case may be*], and have no objection to make to the manner of my enlistment; that I am willing to be attested to serve in the Royal Marines for the term of [*the blank after the words* "term of" *to be filled up with twelve years, if the person enlisted is of the age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such twelve years*], provided Her Majesty should so long require my services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of recruit.*

_____ *Signature of witness.*

Note (*a*), (*b*), (*c*).—These blanks need not be filled up if the recruit is unable to give the requisite information.

OATH to be taken by a RECRUIT on ATTESTATION.

I DO make oath, that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors; and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me.

So help me GOD.

Witness my hand, _____ *Signature of the recruit.*

_____ *Witness present.*

Declared and sworn before me at this day of one thousand eight hundred and at o'clock. }

_____ *Signature of the justice.*

DECLARATION to be made by a MARINE renewing his Service.

I do declare, that I am at present [*or* was, *as the case may be*,] in the division of the Royal Marine forces; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, as a marine, for a further term of years [*to be filled up with such number of years as shall be required to complete a total service of twenty-one years*], provided my services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of marine.*

_____ *Signature of witness.*

Declared before me this day of 18 .

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make oath, that I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of last abscond and quit my service without my consent, and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and .

Sworn before me at this day of one thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. I of one of Her Majesty's justices of the peace certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the case may be*] on the day of and was committed to confinement at on the day of as deserter from the Royal Marines.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
Probable date of enlistment, and where	
Probable date of desertion, and from what place	
Name and occupation and address of the person by whom or through whose means the deserter was apprehended and secured	
* Particulars of the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds	

* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he †
a deserter from the above-mentioned corps.

——— *Signature and address of magistrate.*
——— *Signature of prisoner.*
——— *Signature of informant.*

† Insert "is" or "is not," as the case may be.

I certify, that I have inspected the prisoner, and consider him ‡
for military service.

——— *Signature of military medical officer, or of private medical practitioner.*

‡ Insert "fit" or "unfit," as the case may be; and, if unfit, state the cause of unfitness.

CHAPTER 12.

An Act for the prevention of Accidents by Threshing Machines. [16th April 1878.]

WHEREAS by certain Acts of Parliament provision is made for the fencing of dangerous machinery in factories and mines, and it is expedient that similar provision should be made with respect to threshing machines:

Factories: 7 & 8 Vict. c. 15. s. 21. Coal Mines: 35 & 36 Vict. c. 76. s. 51. sub-sects. (14), (24), (27). Metalliferous Mines: 35 & 36 Vict. c. 77. s. 23, sub-sects. (7), (17), (19).

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Steam threshing machines to be fenced.

1. The drum and feeding mouth of every threshing machine as defined by this Act shall at all times during the working thereof be kept sufficiently and securely fenced so far as is reasonably practicable and consistent with the due and efficient working thereof.

Penalty.

If any person permits any threshing machine belonging to him or used for his service or benefit to be worked without its being fenced as aforesaid:

Or, if any foreman, engineer, or other person in charge of any threshing machine, works it or permits it to be worked without its being fenced as aforesaid:

Or, if any person during the working of any threshing machine removes any guard or thing used as a fence for any such machine:

Every person so offending on any day shall be liable on summary conviction to a penalty not exceeding five pounds.

If in the prosecution of any person to whom the threshing machine belongs or for whose service or benefit it is used, it is shown that the machine was not in fact kept sufficiently and securely fenced during the working thereof, such person shall be deemed to have permitted the same unless he satisfy the court that he took all reasonable precautions to ensure the observance of this Act.

Commencement and extent of Act.

2. This Act shall not come into operation until the first day of August one thousand eight hundred and seventy-nine.

This Act shall not extend to Scotland or Ireland.

Evidence.

3. On the prosecution of any person for an offence against this Act he may, on his own application, be sworn and examined as a witness.

Entry on premises.

4. Any constable may at any time enter on any premises on which he has reasonable cause to believe that a threshing machine is being worked contrary to the provisions of this Act, for the purpose of inspecting such machine.

Interpretation.

5. In this Act "threshing machine" means a threshing machine which is worked by steam or by any motive power other than manual labour.

CHAPTER 13.

An Act to declare the law relating to the Acceptance of Bills of Exchange. [16th April 1878.]

19 & 20 Vict. c. 97. 19 & 20 Vict. c. 60.

WHEREAS by the Mercantile Law Amendment Act, 1856, and the Mercantile Law Amendment Act (Scotland), 1856, it is enacted that "no acceptance of any bill of exchange, whether inland

" or foreign, made after the 31st day of December 1856, shall be " sufficient to bind or charge any person, unless the same be in " writing on such bill, or if there be more than one part of such " bill on one of the said parts, and signed by the acceptor or some " person duly authorised by him ":

And whereas doubts have arisen as to the true effect and intention of the said enactment, and as to whether the signature of the drawee alone can constitute a sufficient acceptance of the bill so as to satisfy the requirements of the said Statute, and it is expedient that the meaning of the said enactment should be further declared:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Declaration of law.

1. An acceptance of a bill of exchange is not and shall not be deemed to be insufficient under the provisions of the said Statutes by reason only that such acceptance consists merely of the signature of the drawee written on such bill.

Saving.

2. Nothing in this Act shall affect the validity or invalidity of any verdict or judgment recovered or given before the passing of this Act.

Short title.

3. This Act may be cited for all purposes as the Bills of Exchange Act, 1878.

CHAPTER 14.

An Act to amend the Law relating to Public Baths and Washhouses. [27th May 1878.]

WHEREAS the Act passed in the session held in the ninth and tenth years of the reign of Her present Majesty, chapter seventy-four, intituled " An Act to encourage the establishment of " Public Baths and Washhouses," was amended by the Act passed in the session held in the tenth and eleventh years of the reign of Her present Majesty, chapter sixty-one, intituled " An Act to " amend the Act for the establishment of Public Baths and Wash- " houses," and it is expedient further to amend the said first-recited Act, and to provide for the establishment of covered swimming baths and other purposes:

9 & 10 Vict. c. 74.

10 & 11 Vict. c. 61.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Baths and Washhouses Act, 1878.

" Covered swimming bath."

The words " covered swimming bath " in this Act shall mean a swimming bath protected by a roof or other covering from the weather.

Construction of Act.

38 & 39 Vict. c. 66.

2. This Act and the recited Acts, as amended by the Statute Law Revision Act, 1875, and the Public Health Act, 1875, and by this Act, shall be construed and carried into execution as one Act; and the words " the council and the commissioners " when used

in this Act shall include the urban authority mentioned in the tenth section of the Public Health Act, 1875. 38 & 39 Vict. c. 55.

3. All the provisions of the recited Acts respectively shall be construed to extend and to have extended from the passing of such Acts respectively to covered swimming baths as well as to baths, washhouses, and open bathing places. Covered swimming baths authorised.

4. The council and the commissioners respectively may from time to time provide covered swimming baths, and make such reasonable charges for the use thereof as they shall think fit, not exceeding the charges mentioned in the schedule annexed to this Act. As to charges for swimming baths.

5. The council and the commissioners respectively may during such period, not exceeding five months in any one year, as they shall think fit, from the beginning of the month of November to the end of the month of March, close any covered swimming bath or open swimming bath, and may either keep the same closed or may establish therein a gymnasium or such other means of healthful recreation as they shall think fit, or may during such period allow any covered or open swimming bath to be used as an empty building for such purposes of healthful recreation or exercise as they shall think fit during such period as aforesaid, and may at any time allow any portion of the public baths not required by the commissioners to be used for holding vestry meetings or other parochial purposes: Provided always, that no covered or open swimming bath when closed may be used for music or dancing. Power to close swimming baths for a limited period.

6. The council and the commissioners respectively may make byelaws for the regulation, management, and use of the open or swimming baths when used for any of the purposes mentioned in the fifth section of this Act; and all the provisions in the principal Act relating to byelaws shall extend and apply to byelaws made under this section. Power to make byelaws.

7. The council and the commissioners respectively may appoint and remove at pleasure such officers and servants as shall be necessary for the management and superintendence of any gymnasium or other means of recreation established under this Act, and may appoint reasonable salaries, wages, and allowances for such officers and servants. Power to appoint officers.

8. The council and the commissioners respectively may from time to time make such reasonable charges for the use of the gymnasium or other means of recreation established under this Act, or for the use of any covered swimming bath as an empty room, as they shall think fit. Power to make charges for gymnasium,&c.

9. The provisions in the twenty-first, twenty-second, and twenty-third sections of the principal Act authorising the borrowing and advancement of money for the purposes of that Act, shall be taken to authorise the borrowing and advancement of money in like manner for the purposes of this Act; and the approval of the Local Government Board shall be substituted for that of the Commissioners of Her Majesty's Treasury in all cases where money is borrowed for the purposes of the principal Act or this Act. Powers of borrowing, &c. extended to this Act.

10. The council and the commissioners respectively, and their respective servants and agents, may remove any person offending against any of the byelaws made under this Act and the recited Power to remove offenders.

Baths, &c. to be considered public and open places.

Acts, or any of them; and any bath or washhouse, or open bathing place, or covered swimming bath, established under this Act and the recited Acts, or any of them, shall be taken to be a public and open place, so as to make offences against decency therein criminal offences.

Power to refuse admittance to baths, &c. to offenders.

11. The council and the commissioners respectively, and their respective officers and servants, may refuse admittance to any bath, washhouse, open bathing place, or covered swimming bath, or any of them, to any person (1) who shall have been convicted of wilfully disobeying any of the byelaws in such bath, washhouse, open bathing place, or covered swimming bath; (2) who shall have been convicted of any offence against public decency in any of such baths, washhouses, open bathing places, or covered swimming baths as aforesaid.

Power to make superannuation allowances to officers, &c. employed about baths, &c. within the metropolis. 29 & 30 Vict. c. 31.

12. The provisions of an Act passed in the session held in the twenty-ninth year of the reign of Her present Majesty, chapter thirty-one, intituled "An Act to provide for superannuation "allowances to officers of vestries and other boards within the "area of the Metropolis Local Management Act," shall extend to and include officers and servants employed in and about any baths, washhouses, open bathing places, or covered swimming baths established under this Act and the recited Acts, or any of them, by the council or the commissioners within the area of the Metropolis Local Management Act.

Expenses of Act and income arising to be applied as under principal Act.

13. The expense of carrying this Act into execution shall be defrayed, and the income arising from the use in any manner of any covered swimming bath established under the provisions of this Act and the recited Acts, or any of them, shall be applied, in the same manner as that in which the expenses of the principal Act are thereby directed to be defrayed, and the income arising from baths, and washhouses, and open bathing places, is thereby directed to be applied.

Increase of charge.

14. The charge of one halfpenny, fixed by the tenth and eleventh Victoria, chapter sixty-one, section seven, and part five of the schedule to that Act, shall be increased to one penny.

The SCHEDULE above referred to.

CHARGES FOR COVERED SWIMMING BATHS.

1ST CLASS.—Any sum not exceeding eightpence for each person.
2ND CLASS.—Any sum not exceeding fourpence for each person.
3RD CLASS.—Any sum not exceeding twopence for each person.

CHAPTER 15.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue.

[27th May 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to

defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Customs and Inland Revenue Act, 1878.

PART I.

Customs.

Import duties on tea.

2. The duties of Customs now chargeable upon tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-eight until the first day of August one thousand eight hundred and seventy-nine on the importation thereof into Great Britain or Ireland; (that is to say,)

Tea, the pound - - - - Sixpence.

Duties and drawback on tobacco. 39 & 40 Vict. c. 35.

3. In lieu and instead of the duties and drawbacks payable or allowable on tobacco under the Customs Tariff Act, 1876, there shall be charged on and after the fifth day of April one thousand eight hundred and seventy-eight upon tobacco imported into Great Britain or Ireland the following duties; (that is to say,)

	£	s.	d.
Tobacco manufactured, viz.:			
Segars - - - - - the lb.	0	5	4
Cavendish or negrohead - - - the lb.	0	4	10
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - the lb.	0	4	1
Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - the lb.	0	4	10
Being cavendish or negrohead manufactured in bond - - - - - the lb.	0	4	4
Other manufactured tobacco - - the lb.	0	4	4
Tobacco unmanufactured, viz:			
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof - - the lb.	0	3	6
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof - - the lb.	0	3	10

And there shall be allowed upon tobacco exported from Great Britain or Ireland on and after the fifth day of June one thousand eight hundred and seventy-eight, on the exportation thereof, or on the deposit thereof in a bonded warehouse to be used as ships stores, a drawback of three shillings and sevenpence for every pound weight thereof:

And notwithstanding the enactment by this Act of the duties and drawbacks hereby imposed and allowed instead of the duties and drawbacks imposed and allowed by the Manufactured Tobacco Act, 1863, and repeated in the Customs Tariff Act, 1876, all the enactments and provisions relating to tobacco which are contained in the said Acts and in any other Customs Acts now in force, shall, so far as the same are applicable, remain in force, except as to the amount

26 & 27 Vict. c. 7. 39 & 40 Vict. c. 35.

of duties and drawbacks imposed and allowed by this Act, and the times at or from which the same are hereby made payable and allowable : Provided always, that any licensed manufacturer entitled under the Manufactured Tobacco Act, 1863, and this Act, to drawback on snuff on the exportation thereof under the provisions of the said Acts, may, if he see fit, on deposit thereof in the Queen's warehouse at such port or ports and under and subject to such regulations as the Commissioners of Customs may approve, and on receipt of the drawback allowed thereon, instead of exporting the same, abandon such snuff to the said Commissioners to be destroyed or otherwise disposed of by them.

Permission to abandon snuff on deposit in Queen's warehouse and receipt of drawback instead of exportation. 26 & 27 Vict. c. 7.

And all duties which shall have been charged and paid on the entry of tobacco for home consumption at the rates herein-before specified on and after the said fifth day of April one thousand eight hundred and seventy-eight and prior to the passing of this Act shall be deemed to have been properly charged and paid.

Penalty on master for excessive deficiency of stores.

4. In the event of any ship having cleared for any foreign voyage from any port in the United Kingdom with stores on board returning to that or any other port in the United Kingdom, if any deficiency in such stores be discovered, which in the opinion of the Commissioners of Customs shall be deemed to be in excess of the quantity which might fairly have been consumed, having regard to the length of time between such departure and return as aforesaid, whether such ship shall have been driven into port by stress of weather, want of repair, or other cause, the master shall forfeit, besides the duties on such excess at the rate chargeable on the importation of goods, the subject of such excess, a penalty not exceeding twenty pounds, which penalty and duty shall be recoverable by information and summons before a justice of the peace.

Transhipments to British possessions. 39 & 40 Vict. c. 36.

5. So much of section one hundred and thirteen of the Customs Consolidation Act, 1876, as relates to transhipment goods shall be applicable only to transhipment goods cleared for any British possessions.

Clearance of ships in ballast.

6. If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer shall, on the application of the master, clear such ship in ballast ; and the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him ; and ships having only passengers with their baggage on board, and ships laden only with chalk or slate, shall be deemed to be in ballast, and if any ship, whether laden or in ballast, shall depart without being duly cleared, the master shall forfeit one hundred pounds, and section one hundred and thirty-three of the Customs Consolidation Act, 1876, is hereby repealed.

Repeal of section 133 of 39 & 40 Vict. c. 36.

Repeal of so much of 34 & 35 Vict. c. 103. as relates to Customs.

7. So much of an Act passed in the thirty-fourth and thirty-fifth years of the reign of Her Majesty, chapter one hundred and three, intituled "An Act to amend the law relating to the Customs and "Inland Revenue," as relates to the Customs shall be and the same is hereby repealed.

Part II.

Taxes.

Grant of duties of income tax.

8. There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-eight, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of fivepence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England the duty of twopence halfpenny;

In Scotland and Ireland respectively, the duty of one penny three farthings.

Provisions of Income Tax Acts to apply to duties hereby granted.

9. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-eight shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-eight.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

10. In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-nine, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-nine shall have full force and effect with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto, by an Act of Parliament passed on that day; and the surveyors of taxes acting in the metropolis as defined by the Valuation (Metropolis) Act, 1869, shall be the assessors for the duties to be granted and payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter thirty-four, upon any property in the said metropolis, and shall also be the assessors for the duties on inhabited houses in the said metropolis; and in lieu of the poundage granted by the several Acts in that behalf to be divided between the assessors and collectors for such duties respectively in the said metropolis, there shall be paid a poundage of three halfpence to the said collectors thereof.

32 & 33 Vict. c. 67.

Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house

11. With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis, as defined by the Valuation (Metropolis) Act, 1869, and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing, as

duties for the year 1878–79. 32 & 33 Vict. c. 67.

respects England, on the sixth day of April, and as respects Scotland, on the twenty-fifth day of May, one thousand eight hundred and seventy-eight, the following provisions shall have effect:

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof:

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and seventy-seven, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, as respects England, and as respects Scotland, for the year which commenced on the twenty-fifth day of May one thousand eight hundred and seventy-seven, shall be taken as the annual value of such property or of such inhabited house for the assessment, and charge thereon of the duties of income tax hereby granted, or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively:

(3.) The Commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same:

(4.) The Commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties, in like manner as if such persons had been presented to them by assessors in conformity with the said Acts.

Provision as to deduction for depreciation of machinery or plant.

12. Notwithstanding any provision to the contrary contained in any Act relating to income tax, the Commissioners for general or special purposes shall, in assessing the profits or gains of any trade, manufacture, adventure, or concern in the nature of trade, chargeable under Schedule (D.), or the profits of any concern chargeable by reference to the rules of that schedule, allow such deduction as they may think just and reasonable as representing the diminished value by reason of wear and tear during the year of any machinery or plant used for the purposes of the concern, and belonging to the person or company by whom the concern is carried on; and for the purpose of this provision, where machinery or plant is let to the person or company by whom the concern is carried on upon such terms that the person or company is bound to maintain the machinery or plant, and deliver over the same in good condition at the end of the term of the lease, such machinery or plant shall be deemed to belong to such person or company.

And where any machinery or plant is let upon such terms that the burden of maintaining and restoring the same falls upon the lessor, he shall be entitled on claim made to the Commissioners for

Commissioners, in assessing trade profits or gains, are to allow ch deduction as they may think just and reasonable as repre- ing the diminished value by reason of wear and tear during year of any machinery or plant used for the purpose of the cern and belonging to the person or company by whom the cern is carried on."

firm of shipowners owned a fleet of vessels of the average age hirty-one years. Prior to the year of assessment there had n allowed yearly from the gross profits assessed to Sched. D an unt by way of deduction for diminished value by reason of r and tear, and sums amounting in the aggregate to 96 per . on the first or prime cost of the vessels (including such sums ad been expended upon them by way of addition or repairs r than ordinary annual repairs) had been allowed: the exist- or breaking-up, value of the vessels during the year of ssment was more than 4 per cent. of the first or prime cost. re was no agreement between the shipowners and the Com- ioners that the allowance for depreciation should be calculated he basis of its being an allowance which would at the end of riod of years, taking into account the breaking-up value of vessels, replace the shipowners' capital, and that after that no further allowance should be made:—

Held, that the Commissioners were bound under s. 12 to con- r to what extent there had been a diminution of value by reason ear and tear during the year of assessment and to decide what n just and reasonable allowance to make in respect of such eciation, and that they were not entitled to take into account allowances made in previous years:

Held, also, that a hulk, which had formerly been a sailing-ship, which had been dismantled and had had its rudder removed was used as a floating warehouse for coal, was "plant" in the meaning of the section. 1906. 1 KB. 311.

JOHN HALL, JUNIOR & Co. *v.* RICKMAN .. WALTON J.

[illegible] 1 Q.B. 169

scribed by section rs of Her Majesty's n such a portion of arged in respect of lessee on payment on such an amount easonable, as repre- ar and tear of such hat no such claim in twelve calendar ment.

houses for the year ay of April, and as ne thousand eight bsequent year, the

Amendment of the law as to inhabited house duties.

shall be divided and any of such e purposes of any or calling by which , or are unoccupied, he house shall be at liberty to give notice in writing, at any time during the year of assessment, to the surveyor of taxes for the parish or place in which the house is situate, stating therein the facts; and after the receipt of such notice by the surveyor, the Commissioners acting in the execution of the Acts relating to the inhabited house duties shall, upon proof of the facts to their satisfaction, grant relief from the amount of duty charged in the assessment, so as to confine the same to the duty on the value according to which the house should, in their opinion, have been assessed, if it had been a house comprising only the tenements other than such as are occupied as aforesaid, or are unoccupied:

[illegible] (2.) Every house or tenement which is occupied solely for the purposes of any trade or business, or of any profession or calling by which the occupier seeks a livelihood or profit, shall be exempted from the duties by the said Commissioners upon proof of the facts to their satisfaction, and this exemption shall take effect although a servant or other person may dwell in such house or tenement for the protection thereof:

In Gramt v Langley 1900 AC 383

(3.) Section eleven of the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall be and is hereby repealed.

Amount fixed by the Treasury to be paid to clerks to Commissioners in lieu of allowances in certain cases.

14. Where the allowances to which any clerk to Commissioners of Income Tax is entitled by virtue of the Acts relating to income tax, and the Acts relating to the inhabited house duties, or those allowances, together with the allowance to which he is entitled by virtue of the Acts relating to land tax, if he be also clerk to the Commissioners of Land Tax, would exceed the sum of twelve hundred pounds, it shall be lawful for the Commissioners of Her

Majesty's Treasury to substitute for those allowances such an amount, not being less than the sum of twelve hundred pounds, exclusive of necessary office expenses, as to them shall seem fit; and the clerk shall be entitled to claim and receive in respect of such allowances such sum only as shall be specified in a certificate of the Commissioners of Inland Revenue.

Appeal from High Court of Justice in cases stated under 37 & 38 Vict. c. 16.

15. After the passing of this Act an appeal shall lie from the decision of the Exchequer Division of the High Court of Justice, or of any judge thereof, upon any case stated under the provisions in that behalf contained in the Customs and Inland Revenue Act, 1874, to Her Majesty's Court of Appeal, and from thence to the House of Lords, and from the decision of the Court of Session, as the Court of Exchequer in Scotland, upon any case so stated, to the House of Lords.

Serjeants Inn transferred to city of London for purposes of taxes.

16. Whereas by section two of the Act of the thirty-eighth year of the reign of King George the Third, chapter five, the place called Serjeants Inn in Chancery Lane is charged with a separate and distinct quota of land tax, and the amount of such quota has been raised annually by members of that Inn acting as Commissioners of Land Tax, who have also acted as Commissioners for the purposes of the duties on inhabited houses and the duties of income tax under the provisions of the Acts relating to these duties respectively; and whereas the said place has been sold by the members of the Inn, and it is necessary to authorise the execution of the said Acts by the Commissioners acting for the city of London, in which the said place is locally situate: Be it enacted, that from and after the passing of this Act the said place shall, in all matters connected with the assessment and collection of the land tax and the said duties respectively, be under and subject to the jurisdiction of the Commissioners for putting in execution the Acts relating to the land tax and to the said duties respectively for the city of London: Provided always, that the amount of the quota of land tax at present charged upon the said place shall continue to be assessed and collected subject to redemption under the provisions of the Acts passed in that behalf.

PART III.

Excise.

DOG LICENSES.

Increase of duty imposed by 30 & 31 Vict. c. 5.

17. On and after the first day of June one thousand eight hundred and seventy-eight, in lieu of the annual duty of five shillings chargeable under the Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, in respect of every dog, there shall be granted and charged the annual duty of seven shillings and sixpence, and the said Act shall be read as if the amount of annual duty thereby granted and charged was seven shillings and sixpence: Provided that licenses taken out under the said Act prior to the said first day of June shall remain in full force and effect as if this Act had not been passed.

Repeal of 32 & 33 Vict. c. 14, s. 38.

18. Section thirty-eight of the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall be and is hereby repealed.

Upon whom proof of age of dog shall lie.

19. Upon the hearing of any information for a penalty for keeping a dog without a license, the proof of the age of the dog shall lie upon the defendant.

Provision as to hound whelps.

20. Where an owner or a master of hounds has taken out proper licenses for all the hounds entered in any pack kept by him, it shall not be necessary for him to take out a license in respect of any hound under the age of twelve months which has never been entered in, or used with, any pack of hounds.

Provision as to dogs used by blind persons.

21. Nothing in the said Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, or in this part of this Act, shall render a license necessary in the case of a dog kept and used solely by a blind person for his or her guidance, or render such person liable to any penalty in respect of a dog so kept and used.

Mode of obtaining exemption in the case of shepherds dogs.

22. In the case of dogs kept and used solely for the purpose of tending sheep or cattle on a farm, or in the exercise of the calling or occupation of a shepherd, exemption from duty may be obtained by the owners of such dogs in the following manner:

(1.) The Commissioners of Inland Revenue shall cause such forms of declaration to be prepared as may be required for carrying out the purposes of this section:

(2.) The owner, whether a farmer or a shepherd, may fill up and sign a declaration in the prescribed form, wherein shall be stated the number of dogs kept by him solely for use in tending sheep or cattle, or in the exercise of the calling or occupation of a shepherd, and such further particulars as the said Commissioners may by the form of declaration require to be therein stated, and upon delivering the declaration so filled up and signed by him to the person named therein as the person to whom the same is to be delivered, he shall be entitled to receive a certificate of exemption from duty in respect of the dog or dogs not exceeding two in number, kept by him solely for use in tending sheep or cattle, or in the exercise of the calling or occupation of a shepherd, and such certificate shall be dated on the day on which the same shall be issued, and shall terminate on the thirty-first day of December following:

(3.) Where the occupier of a sheep farm owns more than four hundred sheep, which feed on common or unenclosed land, so that more than two dogs are required to be kept by him for the purpose of tending sheep, and such facts are stated in the declaration delivered by him, he shall be entitled to receive a certificate of exemption in respect of a third dog kept by him solely for such purpose, and if the number of his sheep amounts to one thousand, then in respect of a fourth dog so kept, and in respect of an additional dog so kept for every full number of five hundred sheep so owned by him over and above the number of one thousand: Provided that he shall not be exempted in respect of more than eight dogs kept on the farm:

(4.) Any person who shall deliver a declaration, wherein the particulars required to be therein set forth shall not be

truly stated, shall forfeit the sum of twenty pounds; and any person to whom a certificate of exemption may have been issued, who shall not produce and deliver such certificate to be examined and read by any officer of Inland Revenue or Police, within a reasonable time after such officer shall request the production of the same, shall forfeit the sum of five pounds; and such penalties shall be Excise penalties.

Provision as to penalties.

23. Notwithstanding the provisions in the Excise Acts relating to the recovery and application of Excise penalties, any penalty imposed by the said Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, or this part of this Act, may be either sued for and applied in the manner prescribed by such provisions, or recovered and enforced upon information of a police constable before a court of summary jurisdiction, subject in the latter case to the following provisions:

(1.) The court of summary jurisdiction shall have power to award costs, and to mitigate the penalty to such an amount as the court may in its discretion think fit:

(2.) The penalty, when recovered, shall, notwithstanding anything in the Acts relating to the metropolitan police courts, or any other Act, as to one half be paid to the Commissioners of Inland Revenue, and applied in the manner in which Excise penalties are by law applicable, and as to the other half be paid and applied in England and Wales for the benefit of the superannuation fund of the police force to which the police constable who instituted the prosecution belonged, and in Scotland to the treasurer of the police assessment of the county or burgh to the police force of which such police constable belonged.

Miscellaneous.

Warehousing of British compounded spirits of a strength exceeding eleven degrees over proof.

24. Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, British compounded spirits of a strength exceeding eleven degrees over hydrometer proof may be warehoused for exportation or for ships stores by a rectifier or compounder in any Customs or Excise warehouse under the provisions of the Act of the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-eight.

When such spirits have been so warehoused they shall not be delivered out otherwise than for exportation or for ships stores directly from the warehouse on board the vessel in which the same are to be exported or used as stores.

Restriction of use of alkaline salts in the manufacture of snuff.

25. Whereas it is expedient to prohibit the use of certain salts in the manufacture of snuff, and to limit the amount of certain other salts which may be used in such manufacture: Be it enacted, that from and after the first day of October one thousand eight hundred and seventy-eight, the first, third, and fourth sections of the Act of the fifth and sixth years of Her Majesty's reign, chapter ninety-three, shall, as respects the term "salt," and the term "alka-" line salts," be construed to mean and include only the carbonates,

chlorides, and sulphates of potassium and sodium, and the carbonate of ammonium.

If, after the said first day of October, any person, being a manufacturer of, dealer in, or retailer of tobacco or snuff, shall have in his custody or possession, or shall sell, or offer for sale, any snuff which, after having been dried at a temperature of two hundred and twelve degrees as denoted by Fahrenheit's thermometer, shall be found to contain a percentage of more than twenty-six per centum of the carbonates, chlorides, and sulphates of potassium, sodium, and ammonium, he shall forfeit fifty pounds and also the said snuff; and in calculating the said percentage the salts of potassium, sodium, and ammonium of every description naturally present in the tobacco shall be included.

Part IV.

Stamps.

Interpretation of 33 & 34 Vict. c. 97. as to contract note.

26. Whereas doubts have arisen as to the application of the charge of stamp duty under the title "Contract Note" in the schedule to the Stamp Act, 1870, and there is a variance of practice upon Stock Exchanges in the United Kingdom as to instruments bearing the stamp duty, and it is expedient to define more precisely the instrument which is to be deemed chargeable under the said title: Be it enacted, that the term "Contract Note," wherever used in the Stamp Act, 1870, shall for the purposes of that Act mean exclusively an advice note sent by a broker or agent to his principal, and shall not include any memorandum or contract between brokers or agents for or in relation to the sale or purchase of any stock or marketable security, and no such memorandum or contract shall be chargeable with any stamp duty.

Repeal of duty on certain ecclesiastical licenses.

27. After the passing of this Act a license by any ecclesiastical authority in any part of the United Kingdom for licensing or authorising any matter relating to a consecrated building or ground, or anything to be constructed, set up, taken down, or altered therein, or to be removed therefrom, shall be exempt from stamp duty.

CHAPTER 16.

An Act to consolidate and amend the Law relating to Factories and Workshops. [27th May 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Factory and Workshop Act, 1878.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act: Provided that

at any time after the passing of this Act, any appointment, regulation, or order may be made, any notice issued, form prescribed, and act done which appears to a Secretary of State necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act into operation at the commencement thereof.

PART I.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

Sanitary condition of factory and workshop.

3. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance.

A factory or workshop shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Notice by inspector to sanitary authority of sanitary defects in factory or workshop.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.

(2.) *Safety.*

Fencing of certain machinery.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect:

(1.) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of a steam engine and water wheel, shall be securely fenced; and

(2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race; and

(3.) Every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced; and

(4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Fencing of other dangerous machinery of which notice is given by inspector.

6. Where an inspector considers that in a factory any part of the machinery of any kind moved by steam, water, or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery:

(1.) The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous:

(2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate:

8 & 9 Vict. c. 16.

(3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act:

(4.) If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court:

(5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as

to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act:

(6.) For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving strap or band.

Fencing of dangerous vats or structures of which notice is given by inspector.

7. Where an inspector considers that in a factory or workshop a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons are liable to pass or to be employed, is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise, as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop, he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure, for machinery, and with the addition of workshop, and if the occupier of a factory or workshop fails constantly to maintain the fencing required under this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.

8. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.

Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power. Similar statutory provision / Belgium Mill Scheme, 1843-44

A young person or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

A child, young person, or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine

while the machine is in motion by the action of steam, water, or other mechanical power.

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

(3.) *Employment and Meal Hours.*

Period of employment of children, young persons, and women.

10. A child, young person, or woman shall not be employed in a factory or a workshop except during the period of employment hereinafter mentioned.

Period of employment, &c. for young persons and women in a textile factory.

11. With respect to the employment of young persons and women in a textile factory the following regulations shall be observed:

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning; and

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(*a.*) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever; and

(*b.*) If less than one hour is allowed for meals, shall end at half an hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever; and

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever; and

(5.) There shall be allowed for meals during the said period of employment in the factory—

(*a.*) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(*b.*) on Saturday not less than half an hour; and

(6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half-an-hour for a meal.

Period of employment for children in textile factory.

12. With respect to the employment of children in a textile factory the following regulations shall be observed—

(1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only; and

(2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the after-

noon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and

(3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and

(4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person; and

(5.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half; and

(6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks; and

(7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half-an-hour for a meal.

Period of employment, &c. for young persons and women in non-textile factory, and for young persons in workshop.

13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed—

(1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

(2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning or at seven o'clock in the morning, and end at two o'clock in the afternoon; and

(3.) There shall be allowed for meals during the said period of employment in the factory or workshop—

(*a.*) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times shall be before three o'clock in the afternoon; and

(*b.*) on Saturday not less than half-an-hour; and

(4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

Period of employment for children in

14. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed:

(1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a

factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only; and

non-textile factory and workshop.

(2.) The period of employment for a child in a morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and

(3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock, at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning; and

(4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week; and

(5.) When a child is employed on the alternate day system—

(*a.*) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

(*b.*) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon; and

(*c.*) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half an hour; but

(*d.*) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks; and

(6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half an hour for a meal.

15. With respect to the employment of women in workshops, the following regulations shall be observed:

Period of employment, time for meals, and length of continuous employment for women in workshop.

(1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop

shall apply accordingly to the employment of women in that workshop; and

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons—

(*a.*) The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and

(*b.*) There shall be allowed to a woman for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

Period of employment and time for meals for children and young persons in domestic workshop.

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women, shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein:

(1.) A child or young person shall not be employed in the factory or workshop except during the period of employment herein-after mentioned; and

(2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and

(3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half; and

(4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and

(5.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days,

and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and

(6.) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

Meal times to be simultaneous, and employment during meal times forbidden.

17. With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory and workshop:

(1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day; and

(2.) A child, young person, or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

Regulations as to employment on Saturday of young persons or women employed only eight hours a day.

18. The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector.

Notice fixing period of employment, hours of meals, and mode of employment of children.

19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or workshop; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice:

Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Prohibition of employment of children under ten.

20. A child under the age of ten years shall not be employed in a factory or a workshop.

Prohibition of employment of children, young persons, and women on Sunday.

21. A child, young person, or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

(4.) *Holidays.*

Days to be observed as

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person,

holidays, and half holidays to be allowed in factories and workshops. 38 & 39 Vict. c. 13.

and woman employed therein the following holidays; that is to say,

(1.) The whole of Christmas Day, and the whole either of Good Friday or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition

(2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and

(3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and

(4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and

(5.) A half holiday shall comprise at least one half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who—

(*a.*) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop, or

(*b.*) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for such half holiday,

shall be deemed to be employed contrary to the provisions of this Act.

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) *Education of Children.*

Attendance school of children employed in a factory or workshop.

23. The parent of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school (which school may be selected by such parent), as follows:

(1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and

(2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances:

(3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a Secretary of State with the consent of the Education Department, and be between the hours of eight in the morning and six in the evening:

Provided that—

(*a.*) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed; and

(*b.*) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause; and

(*c.*) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

Obtaining of school attendance certificate by occupier of factory or workshop.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

Payment by occupier on application of sum for schooling of child, and deduction of it from wages.

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the

child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

Employment as young person of child of 13 on obtaining an educational certificate.

26. When a child of the age of thirteen years has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(6.) *Certificates of Fitness for Employment.*

Certificate of fitness for employment of children and young persons under 16 in factories.

27. In a factory a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate of fitness is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

Certificate of fitness for employment of children and young persons under 16 in workshops.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and

the occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

Supplemental provisions as to certificates of fitness for employment.

30. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

39 & 40 Vict. c. 79.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

(7.) *Accidents.*

Notice of accidents causing death or bodily injury.

31. Where there occurs in a factory or a workshop any accident which either—

(*a.*) causes loss of life to a person employed in the factory or in the workshop, or

(*b.*) causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the

residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.

38 & 39 Vict. c. 17.

Investigation of and report on accidents by certifying surgeon.

32. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES AND WORKSHOPS.

(1.) *Special Provisions for Health in certain Factories and Workshops.*

Limewashing and washing of the interior of factories and workshops.

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory and workshop, all the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Where it appears to a Secretary of State that in any class of factories or workshops, or parts thereof, the regulations in this section are not required for the purpose of securing therein the

observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act, grant to such class of factories or workshops, or parts thereof, a special exception that the regulations in this section shall not apply thereto.

Limewashing, painting, and washing of the interior of bakehouses.

34. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; where painted with oil or varnished there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where limewashed the limewashing shall be renewed once at least in every six months.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

Provision as to sleeping places near bakehouses.

35. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

Provision as to ventilation by fan in factories and workshops.

36. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

The fact that no workman has actually suffered in health is not material. Home v. Bentley, 1901, 1 QB. 434.

Protection of workers in wet-spinning.

37. A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

Prohibition of employment of children and young persons in certain factories or workshops.

38. A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or workshops or parts thereof named in that schedule.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

Prohibition of taking meals in certain parts of factories and workshops.

39. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the Second Schedule to this Act.

Where it appears to a Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

In print works and bleaching and dyeing works, period of employment and times allowed for meals.

40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.

Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

41. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for

employment shall apply to the class of workshops named in the order in like manner as if they were factories.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

Period of employment between 8 a.m. and 8 p.m. in certain cases.

42. In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning, and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

43. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

Power of working male young

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employ-

persons above 16 in lace factories.

ment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely,

(*a.*) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and

(*b.*) Where such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period; and

(*c.*) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory.

Power of working male young persons above 16 in bakehouses.

45. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely,

(*a.*) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and

(*b.*) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and

(*c.*) Where such young person is employed on any day after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in the bakehouse, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse.

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

Substitution by Secretary of State of another half holiday for Saturday.

46. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday and, in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

Employment in Turkey red dyeing on Saturday up to 4.30 p.m.

47. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which shall in no case be exceeded.

Continuous employment of children, young persons, and women in certain cases.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half-an-hour for a meal, for the same period as if the factory were a non-textile factory.

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Giving half holidays and

49. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class

holidays on different days to different sets of children, young persons, and women.

of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

Employment of young persons and women by Jewish occupiers of factories or workshops.

50. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—

(1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening; or

(2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening; or

(3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two public holidays under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

38 & 39 Vict. c. 13.

Employment of Jews by Jews on Sunday.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions:

(1.) The occupier of the factory or workshop shall be of the Jewish religion; and

(2.) The factory or workshop shall be closed on Saturday and shall not be open for traffic on Sunday; and

(3.) The occupier shall not avail himself of the exception authorising the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice the word Friday, were substituted for Saturday.

(b.) *Meal Hours.*

Exception as to meal times being simultaneous and as to employment or remaining in room where manufacturing process is carried on during meal times.

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act.

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend the same accordingly.

(c.) *Overtime.*

Power to employ young persons and women for 14 hours a day.

53. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops or parts thereof to which this exception applies of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such young person or woman shall not be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Three of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorised by this exception, and that such employment will not injure the

health of the young persons and women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

Power to employ for half an hour after end of work where process is in an incomplete state.

54. If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes:

Provided that such further periods when added to the total number of hours of the periods of employment of such child, young person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.

55. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Employment of women for 14 hours a day to preserve perishable articles.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than ninety-six days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may by order made under this part of this

Act extend this exception to such factories or workshops or parts thereof.

Exception for factories driven by water power.

57. Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

(d.) *Nightwork.*

Employment of male young persons at night.

58. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, of male young persons during the night, if they are employed in accordance with the following conditions:

(1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned; and

(2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed; and

(3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment; and

(4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such factories or work-

shops or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

Employment in certain letter-press printing works of male young persons of 16 at night.

59. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.

Employment of male young persons in glass works.

60. In glass works nothing in this Act shall prevent any male young person from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions; namely,

(1.) The total number of hours of the periods of employment shall not exceed sixty in any one week; and

(2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine; and

(3.) Such young person shall not work in any turn without an interval of time not less than one full turn; and

(4.) There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.

61. The provisions of this Act which relate—

(1.) To the cleanliness (including limewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding or ventilation of a factory or workshop; or

(2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room; or

(3.) To the affixing of any notice or abstract in a factory or workshop; or specifying any matter in the notice so affixed; or

(4.) To the allowance of any holidays to a child, young person, or woman; or

(5.) To the sending notice of accidents;

shall not apply—

(*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act,

and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(*b.*) To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room, or place as aforesaid, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including lime-washing, painting, varnishing, and washing,) or to freedom from effluvia.

Exception for certain descriptions of flax scutch mills from certain provisions of Act.

62. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

(5.) *Supplemental as to Special Provisions.*

Requirement of sanitary provisions as condition of special exceptions.

63. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment; and if it appears to a Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act, rescind the order directing such adoption without prejudice to the subsequent making of another order.

Power to rescind order

64. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears

granting or extending exception.

to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the subsequent making of another order.

Provisions as to order of Secretary of State.

65. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order:

(1.) The order shall be under the hand of the Secretary of State and shall be published in the London Gazette, and shall come into operation at the date of such publication in the London Gazette, or at any later date mentioned in the order:

(2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly:

(3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order:

(4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.

Provisions as to occupier availing himself of special exceptions, and registry of work under them.

66. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on an inspector, and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman where they differ from the ordinary hours or times.

An occupier of a factory or workshop shall enter in the prescribed register, and report to an inspector, the prescribed particulars re-

specting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State.

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for availing himself of such exception (whether specified in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

(1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and

(2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

PART III.

Administration, Penalties, and Legal Proceedings.

(1.) *Inspection.*

Appointment, payment, &c. of inspectors of factories, and clerks and servants.

67. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the London Gazette.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary

of State from time to time directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

Powers of inspectors.

68. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely,

(1.) To enter, inspect, and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(2.) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same; and

(4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(5.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated; and

(6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(7.) To exercise such other powers as may be necessary for carrying this Act into effect.

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night, five pounds.

Restriction on entry of inspector into dwellings.

69. An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is herein-after mentioned from a justice of the peace.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.

Certificates of appointment of inspectors.

70. Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

(2.) *Certifying Surgeons.*

Poor law medical officers to act where no certifying surgeon within three miles.

71. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

Appointment of certifying surgeons.

72. Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

Regulations as to the grant of certificates of fitness.

73. A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

Fees of certifying surgeons for examination of children and young persons.

74. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect:

(1.) The occupier may agree with the certifying surgeon as to the amount of such fees:

(2.) In the absence of any such agreement the fees shall be those named in the following scale:—

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	2*s.* 6*d.* for each visit and 6*d.* for each person after the first five examined at that visit.
When the examination is at a factory or workshop more than one mile from the surgeon's residence,	The above fees and an additional 6*d.* for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place, as well as the day and hour, appointed for the purpose shall be published in the prescribed manner,	6*d.* for each person examined.

(3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time

at which the surgeon signs the certificates, or at any other time directed by an inspector:

(4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted:

(5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

(3.) *Miscellaneous.*

Notice of factory to be given to inspector.

75. Every person shall, within one month after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

Regulation of hours by public clock.

76. Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

Registers to be kept in a factory or workshop.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Affixing in factory or workshop of abstract of Act and notices.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—

(1.) The prescribed abstract of this Act; and

(2.) A notice of the name and address of the prescribed inspector; and

(3.) A notice of the name and address of the certifying surgeon for the district; and

(4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and

(5.) Every notice and document required by this Act to be affixed in the factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Printing or writing and service of notices and documents, &c.

79. Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a factory or workshop, by delivering the same or a true copy thereof to his agent or to some person in such factory or workshop; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

Inspection of weights and measures used in factories and workshops.

80. Any Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are kept for sale, and such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines used in the sale of goods.

(4.) *Fines.*

Fine for not keeping factory or workshop in conformity with Act.

81. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the

occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

Penal compensation to person injured by want of fence to machinery, &c.

82. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines:

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.

Fine for employing children, young persons, and women contrary to the Act.

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

84. The parent of a child or young person shall,—

(1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and

(2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

Forgery of certificates, false entries and declarations.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which

no other punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Fine on person committing offence for which occupier is liable.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

Power of occupier to exempt himself from fine on conviction of the actual offender

87. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.

Restraint on cumulative fines.

88. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

(*a.*) where the repetition of the offence occurs after an information has been laid for the previous offence; or

(*b.*) Where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

Prosecution of offences and recovery and application of fines.

89. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any Act authorised to be done by more than one justice of the peace.

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

Appeal to quarter sessions.

90. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom ; subject, in England, to the conditions and regulations following :

(1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, holden not less than twenty-one days after the day on which such decision was given ; and

(2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal ; and

(3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the court deem sufficient ; and

(4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering

into such recognizance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and

(6.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and

(7.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that the same has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(8.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.

Limitation of time and general provisions as to summary proceedings.

91. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:

(1.) The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence:

(2.) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law:

(3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant:

(4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more:

(5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known:

(6.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is

authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Evidence in summary proceedings.

92. If a person is found in a factory, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment; and this enactment shall not apply to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply.

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

PART IV.

Definitions, Savings, Application to Scotland and Ireland, and Repeal.

(1.) *Definitions.*

Factories and workshops to which Act applies.

93. The expression "textile factory" in this Act means—

any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression "non-textile factory" in this Act means—

(1.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act,

(2.) also any premises or places named in Part Two of the said schedule wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there,

(3.) also any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them; that is to say,

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression "factory" in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression "workshop" in this Act means—

(1.) any premises or places named in Part Two of the Fourth Schedule to this Act, which are not a factory within the meaning of this Act,

(2.) also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them; that is to say,

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop; and a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act.

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air.

This Act shall not apply to such workshops, other than bakehouses, as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

Definition of employment and working for hire.

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

For the purposes of this Act an apprentice shall be deemed to work for hire.

Definition of "certified efficient school."

33 & 34 Vict. c. 75.

36 & 37 Vict. c. 86.

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

Definition of "recognised efficient school."

33 & 34 Vict. c. 75.

General definitions.

"Child."

"Young person."

"Woman."

96. In this Act, unless the context otherwise requires,—

The expression "child" means a person under the age of fourteen years:

The expression "young person" means a person of the age of fourteen years and under the age of eighteen years:

The expression "woman" means a woman of eighteen years of age and upwards:

"Parent." The expression "parent" means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a child or young person:

"Treasury." The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

"Secretary of State." The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"Education Department." The expression "Education Department" means the Lords of the Committee of the Privy Council on Education:

"Sanitary authority." 38 & 39 Vict. c. 55. The expression "sanitary authority" means an urban or rural sanitary authority, within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority:

"Person." The expression "person" includes a body of persons corporate or unincorporate:

"Week." The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night:

"Night." The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning:

"Prescribed." The expression "prescribed" means prescribed for the time being by a Secretary of State:

"Summary Jurisdiction Acts." The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to "facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect "to summary convictions and orders," and any Acts amending the same:

"Court of summary jurisdiction." The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Mill-gearing." The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

Special exemption of certain Trades.

Exemption of handicrafts in Fifth Schedule in private houses.

97. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein,

or by any of them, it is expedient to extend this section to that handicraft, he may by order extend the same.

The order shall be made in manner provided by Part Two of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

Exemption of certain home-work.

98. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family.

(2.) *Savings.*

Saving as to liability of hirer of machine where not occupier.

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory.

Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.

100. Nothing in this Act shall extend—

(1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or

(2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

Application to factories and workshops of 38 & 39 Vict. c. 55.

101. The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory or workshop which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed.

Construction of enactments, &c. referring to repealed Acts.

102. Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

(3.) *Application of Act to Scotland and Ireland.*

Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.

103. The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, in which a child under the age of ten years may lawfully be employed at the passing of this Act, be modified as follows; that is to say,

(1.) Shall apply during twelve months after the commencement of this Act to children of the age of nine years and upwards, as if they were of the age of ten years; and

(2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years; and

(3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons; and

(4.) Shall not prevent a child, who before the expiration of twelve months after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

Certificates of birth for purposes of Act.

104. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain—

(1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts; and

(2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition.

26 & 27 Vict. c. 11.

Application of Act to Scotland.

105. In the application of this Act to Scotland—

(1.) The expression "certified efficient school" means any public or other elementary school under Government inspection:

(2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop:

38 & 39 Vict. c. 13.

(3.) The expression "sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867:

30 & 31 Vict. c. 101.

(4.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board:

The expression "poor law medical officer" means the medical officer appointed by the parochial board:

(5.) The expression "Companies Clauses Consolidation Act, 1845," means the Companies Clauses Consolidation (Scotland) Act, 1845: 8 & 9 Vict. c. 16. 8 & 9 Vict. c. 17.

(6.) The expression "Summary Jurisdiction Acts" means the Summary Procedure Act, 1864, and any Acts amending the same: 27 & 28 Vict. c. 53.

(7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes:

(8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by Her Majesty on Education in Scotland:

(9.) The expression "county court" means the sheriff court:

(10.) All matters required by this Act to be published in the London Gazette shall (if they relate exclusively to Scotland), instead of being published in the London Gazette, be published in the Edinburgh Gazette only:

(11.) The expression "information" means petition or complaint:

(12.) The expression "informant" means petitioner, pursuer, or complainer:

(13.) The expression "defendant" means defender or respondent:

(14.) The expression "clerk of the peace" means sheriff clerk:

(15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act:

(16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form:

(17.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:

(18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector:

(19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction:

(20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund:

(21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes:

(22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty

King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

38 & 39 Vict. c. 62.

Application of Act to Ireland.

106. In the application of this Act to Ireland—

(1.) The expression "certified efficient school" means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act:

(2.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March: Provided, that when this date falls on a Sunday, this sub-section shall have no effect as regards such date:

(3.) The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same:

37 & 38 Vict. c. 93.

(4.) The expression "medical officer of health" means the medical sanitary officer of the sanitary district:

The expression "poor law medical officer" means the dispensary doctor:

(5.) Any act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland:

(6.) The expression "county court" means the civil bill court:

(7.) The expression "Summary Jurisdiction Acts" means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same:

14 & 15 Vict. c. 93.

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:

(9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same:

14 & 15 Vict. c. 93.

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner

directed by the Fines Act (Ireland), 1851, and any Act amending the same: 14 & 15 Vict. c. 90.

(11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section, with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace: 29 & 30 Vict. c. 90.

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed: 37 & 38 Vict. c. 93.

(12.) All matters required by this Act to be published in the London Gazette shall, if they relate exclusively to Ireland, instead of being published in the London Gazette, be published in the Dublin Gazette only.

(4.) *Repeal.*

107. The Acts specified in the Sixth Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned: Repeal of Acts.

Provided that—

(1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act; and

(2.) All inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act; and

(3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act; and

(4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act; and

(5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act; and

(6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act; and

39 & 40 Vict. c. 79. 37 & 38 Vict. c. 44.

(7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January 1877, shall, on attaining the age of thirteen years, be deemed to be a young person within the meaning of this Act:

(8.) This repeal shall not affect—

(*a.*) Anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any obligation or liability incurred under any enactment hereby repealed; or

(*c.*) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed; or

(*d.*) Any legal proceeding or remedy in respect of any such obligation, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.

SCHEDULES.

Section 38.

FIRST SCHEDULE.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

Restriction of employment of young persons and children;

1. In a part of a factory or workshop in which there is carried on—
the process of silvering of mirrors by the mercurial process; or
the process of making white lead,
a young person or child shall not be employed.

of children &c. in glass works;

2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of girls under 16 in certain employments;

3. In a factory or workshop in which there is carried on—
(*a.*) the making or finishing of bricks or tiles not being ornamental tiles; or
(*b.*) the making or finishing of salt,
a girl under the age of sixteen years shall not be employed.

of children in metal grinding and lucifer-match dipping;

4. In a part of a factory or workshop in which there is carried on—
(*a.*) Any dry grinding in the metal trade, or
(*b.*) the dipping of lucifer matches,
a child shall not be employed.

of child under 11 in dry grinding, &c.

5. In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Places forbidden for Meals.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,—

(1.) In the case of glass works, to any part in which the materials are mixed; and

(2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and

(3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and

(4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room.

THIRD SCHEDULE.

Special Exceptions.

Part One.

Period of Employment.

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

The exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon, or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on; that is to say,

(*a.*) Lithographic printing:
(*b.*) Turkey red dyeing:
(*c.*) The making of any article of wearing apparel:
(*d.*) The making of furniture hangings:
(*e.*) Artificial flower making:
(*f.*) Bon-bon and Christmas present making:
(*g.*) Valentine making:
(*h.*) Fancy box making:
(*i.*) Envelope making:
(*k.*) Almanac making:
(*l.*) Playing card making:
(*m.*) Machine ruling:
(*n.*) Biscuit making:
(*o.*) Firewood cutting:
(*p.*) Job dyeing: or
(*q.*) Aërated water making; and also to
(*r.*) Bookbinding works:
(*s.*) Letter-press printing works: and
(*t.*) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Part Two.

Section 52.

Meal Hours.

Cases in which provisions as to meal times are not to apply.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply are—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,
Blast furnaces,
Iron mills,
Paper mills,
Glass works, and
Letter-press printing works; and

(2.) The case of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are,—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,
Iron mills,
Paper mills,
Glass works (save as otherwise provided by this Act), and
Letter-press printing works; and

(2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

Section 53.

Part Three.

Overtime.

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

The exception with respect to the employment of young persons and women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the factories and workshops, and parts thereof, following; that is to say,

(1.) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,
(*a.*) Flax scutch mills; and
(*b.*) A factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and
(*c.*) The part of rope works in which is carried on the open-air process; and
(*d.*) The part of bleaching and dyeing works in which is carried on open air bleaching or Turkey red dyeing; and
(*e.*) A factory or workshop or part thereof in which is carried on glue making; and

(2.) Where press of work arises at certain recurring seasons of the year; namely,
(*f.*) Letter-press printing works;
(*g.*) Bookbinding works; and
a factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—
(*h.*) Lithographic printing; or
(*i.*) Machine ruling; or
(*k.*) Firewood cutting; or
(*l.*) Bon-bon and Christmas present making; or
(*m.*) Almanac making; or
(*n.*) Valentine making; or

(*o.*) Envelope making; or
(*p.*) Aërated water making; or
(*q.*) Playing card making; and

(3.) Where the business is liable to sudden press of orders arising from unforeseen events; namely,

a factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(*r.*) The making up of any article of wearing appeal; or
(*s.*) The making up of furniture hangings; or
(*t.*) Artificial flower making; or
(*u.*) Fancy box making; or
(*v.*) Biscuit making; or
(*w.*) Job dyeing; and also,
(*x.*) A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

Provided that the said exception shall not apply—

(*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(*b.*) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.

Part Four. Section 54.

Additional Half Hour.

Factories in which a child, young person, or woman may be employed for an additional half hour.

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following; (that is to say,)

(*a.*) Bleaching and dyeing works;
(*b.*) Print works;
(*c.*) Iron mills in which male young persons are not employed during any part of the night;
(*d.*) Foundries in which male young persons are not employed during any part of the night; and
(*e.*) Paper mills in which male young persons are not employed during any part of the night.

Part Five. Section 56.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening applies to a factory or workshop or part thereof in which any of the following processes is carried on; namely,

The process of making preserves from fruit,
The process of preserving or curing fish, or
The process of making condensed milk.

Section 58.

PART SIX.

Night Work.

Factories in which male young persons may be employed at night.

The exception with respect to the employment of male young persons during the night applies to the factories following ; (that is to say,)

(*a.*) Blast furnaces,
(*b.*) Iron mills,
(*c.*) Letter-press printing works, and
(*d.*) Paper mills.

Section 48.

PART SEVEN.

Spell.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, applies to textile factories solely used for—

(*a.*) The making of elastic web ; or
(*b.*) The making of ribbon ; or
(*c.*) The making of trimming.

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

Sections 93, 96.

PART ONE.

Non-Textile Factories.

"Print works."

(1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper ;

"Bleaching and dyeing works."

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;

Reform v Hanbridge Pa... 18 BWN 10. 1 QR. 344.

"Earthenware works."

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles not being ornamental tiles;

"Lucifer-match works."

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

"Percussion-cap works."

(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

"Cartridge works."

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

"Paper-staining works."

(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting; "Fustian-cutting works."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on; "Blast furnaces."

(10.) "Copper mills"; "Copper mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel; "Iron mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work; "Foundries."

(13.) "Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha; "Metal and india-rubber works."

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on; "Paper mills."

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on; "Glass works."

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on; "Tobacco factories."

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on; "Letter-press printing works."

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on; "Bookbinding works."

(19.) Flax scutch mills. "Flax scutch mills."

Part Two.

Sections 93, 96.

Non-Textile Factories and Workshops.

(20.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on; "Hat works."

(21.) "Rope works," that is to say, any premises being a ropery, rope-walk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power; "Rope works."

(22.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived; "Bakehouses."

(23.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power; "Lace warehouses."

(24.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired; "Shipbuilding yards."

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals; "Quarries."

(26.) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated "Pit-banks."

35 & 36 Vict. c. 76. 35 & 36 Vict. c. 77. by the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.

Section 97.

FIFTH SCHEDULE.

SPECIAL EXEMPTIONS.

Straw plaiting. | Pillow-lace making. | Glove making.

Section 107.

SIXTH SCHEDULE.

Acts repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3. c. 73. -	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 4 Will. 4. c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15. -	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40. -	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54. -	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104. -	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38. -	The Factory Act, 1856 - -	The whole Act.
24 & 25 Vict. c. 117. -	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40. -	The Bakehouse Regulation Act, 1863.	The whole Act.
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864.	The whole Act.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 - -	The following words (so far as unrepealed) in section nineteen, "not already under the operation "of any general Act for the "regulation of factories or bakehouses."
30 & 31 Vict. c. 103. -	The Factory Acts Extension Act, 1867.	The whole Act.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867.	The whole Act.
33 & 34 Vict. c. 62. -	The Factory and Workshop Act, 1870.	The whole Act.
34 & 35 Vict. c. 19. -	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.

Session and Chapter.	Title of Act.	Extent of Repeal.
34 & 35 Vict. c. 104. -	The Factory and Workshop Act, 1871.	The whole Act.
37 & 38 Vict. c. 44. -	The Factory Act, 1874 - -	The whole Act.
38 & 39 Vict. c. 55. -	The Public Health Act, 1875 -	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bakehouses."
39 & 40 Vict. c. 79. -	The Elementary Education Act, 1876.	Section eight and the following words in section forty-eight, "the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and".

CHAPTER 17.

An Act to amend the Adulteration of Seeds Act, 1869.

[27th May 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 32 & 33 Vict. c. 112.

1. This Act may be cited as the Adulteration of Seeds Act, 1878, and shall be construed as one with the Adulteration of Seeds Act, 1869, and together with that Act may be cited as the Adulteration of Seeds Acts, 1869 and 1878.

Amendment of 32 & 33 Vict. c. 112. s. 2.

2. From and after the passing of this Act, section 2 of the Adulteration of Seeds Act, 1869, shall be read as if, instead of the words "The term 'to dye seeds' means to give to seeds by any "process of colouring, dyeing, sulphur smoking, or other artificial "means the appearance of seeds of another kind," there were "therein inserted the words "The term 'to dye seeds' means to "apply to seeds any process of colouring, dyeing, or sulphur "smoking."

CHAPTER 18.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners and by the Commissioners of Public Works in Ireland, and to authorise the former Commissioners to compound and cancel certain loans and interest, and to amend the Public Works Loans Act, 1875.

[27th May 1878.]

38 & 39 Vict. c. 89.

WHEREAS by the Public Works Loans Act, 1875, and other Acts, the Public Works Loan Commissioners are authorised to make loans for the purposes therein mentioned, and it is expe-

dient to grant the money herein-after mentioned for the purpose of such loans:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Public Works Loans Act, 1878.

PART I.

Public Works Loan Commissioners.

Grant of 6,000,000*l.* for loans during the period ending the 30th June 1879.

38 & 39 Vict. c. 89.

2. For the purpose of loans by the Public Works Loan Commissioners, any sum or sums not exceeding in the whole six million pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, during the period ending on the thirtieth day of June one thousand eight hundred and seventy-nine, or on any earlier day at which a further Act authorising the issue of money for the purpose of the said loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the said sum or any part thereof.

Composition of debt due from the Epping rural sanitary authority.

29 & 30 Vict. c. 90.

3. Whereas, in pursuance of the Sanitary Act, 1866, and the Acts amending the same, one of Her Majesty's Principal Secretaries of State, being satisfied that the sewer authority for the special drainage district of Epping, in the county of Essex, had made default in providing their district with sufficient sewers and a supply of water, appointed a person to provide the same by means of certain works of drainage and water supply, and directed that the expenses of such works should be paid by the said authority, and certified that loans were required for the purpose of defraying those expenses, and charged the local rate with the repayment of the principal and interest due in respect of the said loans, and the Public Works Loan Commissioners advanced the amount of such loans:

And whereas the loans so advanced amount in the whole to a debt of eleven thousand nine hundred pounds, repayable by yearly instalments, with interest at five per cent. per annum:

And whereas the powers, property, and liabilities of the said sewer authority have become vested in and imposed on the rural sanitary authority of the Epping union:

And whereas the said sewer authority and rural sanitary authority refused to pay any sum in respect of the instalments or interest of the said debt, and alleged that the said works of drainage and water supply were useless:

29 & 30 Vict. c. 90.

34 & 35 Vict. c. 70.

And whereas the powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Sanitary Act, 1866, and the Acts amending the same, were transferred to and imposed on the Local Government Board by the Local Government Board Act, 1871:

And whereas Sir Joseph William Bazalgette, C.B., being requested by the Local Government Board to report as to the said works of drainage and water supply, and their value to the district, having regard to the insufficiency of the water supply which has been

obtained, and other matters, reported that in certain events the present waterworks would become most valuable to the Epping rural sanitary authority, but that, having regard to the difficulties of the case, and to the works of drainage remaining to be done, it appeared to him that the justice of the case would be met if the rural sanitary authority were charged with about one fourth of the cost of the works of water supply and two thirds of the cost of the drainage works, that is to say, five thousand pounds:

And whereas the Commissioners of Her Majesty's Treasury by a letter dated the thirty-first day of December one thousand eight hundred and seventy-five, offered the rural sanitary authority of the Epping union as a compromise to remit so much of the said debt as was in excess of the said sum of five thousand pounds:

And whereas such offer, when communicated by the Local Government Board to the rural sanitary authority, was rejected by that authority, and legal proceedings were taken by the Public Works Loan Commissioners to compel that authority to pay the instalments of and interest on part of the said debt, and the High Court of Justice ordered the said authority to pay the same:

And whereas the rural sanitary authority subsequently requested the Commissioners of Her Majesty's Treasury to renew the offer of the above-mentioned compromise on the ground that the sums required to be levied to repay the debt would be very oppressive if not ruinous to the ratepayers, and that the works were to a great extent useless, and the said Commissioners offered the same compromise on condition that the rural sanitary authority should, in addition to the said sum of five thousand pounds, pay interest thereon at the rate of four per cent. per annum from the first day of January one thousand eight hundred and seventy-six, and such further sum as might be necessary to cover the expenses entailed upon the Public Works Loan Commissioners by the refusal to accept the former offer:

And whereas the said interest and expenses amount to six hundred and twenty pounds, making a total of five thousand six hundred and twenty pounds, and the Commissioners of Her Majesty's Treasury have further agreed to permit the total sum of five thousand six hundred and twenty pounds, with interest at four per cent. per annum from the first day of January one thousand eight hundred and seventy-eight, to be paid by twenty equal annual instalments, the first instalment to be paid on the thirty-first day of December one thousand eight hundred and seventy-eight:

And whereas it is expedient to authorise the Public Works Loan Commissioners and the rural sanitary authority to carry into effect the said compromise: Be it therefore enacted as follows:

The rural sanitary authority of Epping union, in the county of Essex, shall pay to the Public Works Loan Commissioners the sum of five thousand six hundred and twenty pounds, with interest thereon at four per cent. per annum from the first day of January one thousand eight hundred and seventy-eight, and shall pay the same sum and interest by twenty annual instalments of four hundred and thirteen pounds ten shillings and sevenpence, such instalments to be paid on the thirty-first day of December in the

year one thousand eight hundred and seventy-eight, and in each succeeding year up to and including the year one thousand eight hundred and ninety-seven, and the said rural sanitary authority shall pay the said instalments out of any moneys or rates out of which they are authorised to defray special expenses incurred by them in relation to the said special drainage district under the Public Health Act, 1875, and shall from time to time raise such sums and issue precepts for such contributions as may be required for the purpose, and the overseers to whom those precepts are issued shall comply therewith, either by paying the amount out of the funds in their hands applicable to special expenses in relation to the said special drainage district, or by levying on the said district such rates as may be necessary for the purpose, and the precepts so issued and any rate levied to meet the same shall for all purposes be deemed to be issued and levied in respect of special expenses incurred by the said rural sanitary authority in relation to the said district, and may be enforced accordingly, and the payment of the said yearly instalments of four hundred and thirteen pounds ten shillings and sevenpence shall be enforceable by the Public Works Loan Commissioners in the same manner in all respects as if the said rural sanitary authority had executed a legal mortgage to the Public Works Loan Commissioners of the rates of the said special drainage district for securing the repayment of the said sum of five thousand six hundred and twenty pounds, with interest at the rate aforesaid, by the instalments herein-before mentioned, and after the commencement of this Act the said debt of eleven thousand nine hundred pounds, with all interest due thereon, shall be extinguished.

38 & 39 Vict. c. 55.

Amendment of 38 & 39 Vict. c. 89. s. 36 as to examination into proper application of loan advanced on rates.

4. Whereas by section thirty-six of the Public Works Loans Act, 1875, the Local Government Board are required to satisfy themselves that any loan advanced by the Public Works Loan Commissioners on the security of a rate is applied to the purpose for which it is advanced, and are authorised to appoint any officer to conduct on their behalf such examination as they may think necessary with a view to ascertaining that the loan has been so applied, and it is expedient to make further provision with respect to the powers of the Local Government Board for the purposes of the said section: Be it therefore enacted as follows:

38 & 39 Vict. c. 89.

Where upon any examination made in pursuance of section thirty-six of the Public Works Loans Act, 1875, with reference to a loan advanced by the Public Works Loan Commissioners for any purpose on the security of a rate, it appears to the Local Government Board that any sum, being the whole or part of the money raised by the loan, has not been applied for the said purpose, the Local Government Board may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the Public Works Loan Commissioners of the principal of the loan, or partly in one of such ways and partly in the other, and further, if it appears to them that the sum, or any part thereof, has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund or rate named in the order and to be applied as directed by the above-mentioned order.

An order made by the Local Government Board in pursuance of this section may be enforced by writ of Mandamus.

Cancellation of debt due in respect of Wigan Church.

5. Whereas on the eighth day of October one thousand eight hundred and forty-nine, a loan of four thousand five hundred and forty pounds was advanced by the Public Works Loan Commissioners, in pursuance of the Acts relating to loans by those Commissioners, towards the re-building of the parish church of All Saints in the parish of Wigan, in the county of Lancaster, and was to be repaid, with interest at the rate of four per cent. per annum, by equal annual instalments of two hundred and twenty-seven pounds, in twenty years from the aforesaid date:

And whereas the said loan was charged upon the church rates of the said parish of Wigan:

And whereas four of the said annual instalments only were repaid, amounting to the sum of nine hundred and eight pounds, and the remainder of the principal sum and large arrears of interest remain due and unpaid:

And whereas in the year one thousand eight hundred and sixty-seven proceedings were taken to enforce payment of the said principal and interest of the said loan, and in the year one thousand eight hundred and seventy-six judgment was finally delivered in the House of Lords, whereby it was declared that in consequence of the lapse of time and change of circumstances the churchwardens and the church rates of the parish of Wigan were no longer liable to repay the said principal and interest, and it is expedient expressly to cancel the said loan in the books of the Public Works Loan Commissioners: Be it therefore enacted as follows:

So much of the loan advanced by the Public Works Loan Commissioners to the churchwardens of the parish of Wigan, in the county of Lancaster, in the year one thousand eight hundred and forty-nine, as remains unpaid, and all arrears of interest due thereon, are hereby cancelled.

Repeal of obligation of the Public Works Loan Commissioners to take securities under 38 & 39 Vict. c. 83.

38 & 39 Vict. c. 89.

6. So much of any Act as requires the Public Works Loan Commissioners to take in respect of any loan advanced by them under that Act in preference to any other securities, all or such one or more of the securities issuable under the Local Loans Act, 1875, as they may prefer, is hereby repealed, and the security for any such loan may be given and taken under and pursuant to the Public Works Loans Act, 1875.

PART II.

Public Works Commissioners, Ireland.

Grant of 800,000*l.* for loan by Commissioners of Public Works in Ireland during the period ending the 30th of June 1879.

40 & 41 Vict. c. 27.

7. For the purpose of loans by the Commissioners of Public Works in Ireland, any sum or sums not exceeding in the whole eight hundred thousand pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by Part Two of the Public Works Loans (Ireland) Act, 1877, during the period ending on the thirtieth day of June one thousand eight hundred and seventy-nine, or on any earlier day on which a further Act authorising the issue of money for those loans comes into operation.

The Treasury may, in the manner and subject to the limitations provided by Part Two of the said Act, borrow the said sum or any part thereof.

CHAPTER 19.

An Act to amend the Matrimonial Causes Acts.

[27th May 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Matrimonial Causes Act, 1878.

Costs of intervention.

2. Where the Queen's proctor or any other person shall intervene or show cause against a decree nisi in any suit or proceeding for divorce or for nullity of marriage, the Court may make such order as to the costs of the Queen's proctor, or of any other person who shall intervene or show cause as aforesaid, or of all and every party or parties thereto, occasioned by such intervention or showing cause as aforesaid, as may seem just; and the Queen's proctor, any other person as aforesaid, and such party or parties shall be entitled to recover such costs in like manner as in other cases: Provided that the Treasury may, if it shall think fit, order any costs which the Queen's proctor shall, by any order of the Court made under this section, pay to the said party or parties, to be deemed to be part of the expenses of his office.

Extension of power given by 22 & 23 Vict. c. 61. s. 5.

3. The Court may exercise the powers vested in it by the provisions of section five of the Act of the twenty-second and twenty-third years of Victoria, chapter sixty-one, notwithstanding that there are no children of the marriage.

If husband convicted of aggravated assault, Court may order that wife be not bound to cohabit, &c.

4. If a husband shall be convicted summarily or otherwise of an aggravated assault within the meaning of the statute twenty-fourth and twenty-fifth Victoria, chapter one hundred, section forty-three, upon his wife, the Court or magistrate before whom he shall be so convicted may, if satisfied that the future safety of the wife is in peril, order that the wife shall be no longer bound to cohabit with her husband; and such order shall have the force and effect in all respects of a decree of judicial separation on the ground of cruelty; and such order may further provide,

1. That the husband shall pay to his wife such weekly sum as the Court or magistrate may consider to be in accordance with his means, and with any means which the wife may have for her support, and the payment of any sum of money so ordered shall be enforceable and enforced against the husband in the same manner as the payment of money is enforced under an order of affiliation; and the Court or magistrate by whom any such order for payment of money shall be made shall have power from time to time to vary the same on the application of either the husband or the wife, upon proof that the means of the husband or wife have been altered in amount since the original order or any subsequent order varying it shall have been made;
2. That the legal custody of any children of the marriage under the age of ten years shall, in the discretion of the Court or magistrate, be given to the wife.

Provided always, that no order for payment of money by the husband, or for the custody of children by the wife, shall be made in favour of a wife who shall be proved to have committed adultery,

unless such adultery has been condoned; and that any order for payment of money or for the custody of children may be discharged by the Court or magistrate by whom such order was made upon proof that the wife has since the making thereof been guilty of adultery; and provided also, that all orders made under this section shall be subject to appeal to the Probate and Admiralty Division of the High Court of Justice.

CHAPTER 20.

An Act to provide for returns respecting Continuous Brakes in use on Passenger Trains on Railways.

[17th June 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Railway Returns (Continuous Brakes) Act, 1878.

Returns to be made twice a year by railway companies to Board of Trade respecting continuous brakes.

2. Every railway company shall twice in every year make to the Board of Trade returns respecting the use of continuous brakes on the passenger trains running on the railways worked by such company.

The returns shall contain the particulars and be in the form specified in the schedule to this Act, or shall contain such other particulars and be in such other form as the Board of Trade from time to time prescribe; and the Board of Trade may in any case dispense with any part of the returns where they deem the same inapplicable.

The returns shall be made for the six months ending on the last day of December and the last day of June in every year, or on such other days as the Board of Trade from time to time direct, and shall be made within fourteen days after the expiration of each six months.

Every return shall be signed by the officer of the company responsible for the correctness of the return, and by the chairman or deputy chairman of the directors of the company, or where there are no directors by the individual or one of the individuals bound to make the return.

Any railway company who fail to comply with this section shall be liable on summary conviction before a court of summary jurisdiction to a fine not exceeding five pounds for every day during which the default continues.

Any person who makes or is privy to the making of a return under this Act which is to his knowledge false in any particular shall be liable on summary conviction before a court of summary jurisdiction to a fine not exceeding fifty pounds.

Expressions in this Act have the same meaning as they have in the Regulation of Railways Act, 1871. 34 & 35 Vict. c. 78.

SCHEDULE.

FORMS OF RETURN.

RETURN for the Six Months ending on the day of 18 of the Amount and Description of Continuous Brake Power in use on the Passenger Trains running on the railways worked by the Railway Company.

Name of Railway Company.	Name and Description of Brake or Brakes adopted by the Company and in use on Passenger Trains on Lines worked by them.	(1.) Whether the Brakes are instantaneous in action and capable of being applied by engine driver and guards. (2.) Whether self-acting. (3.) Whether capable of being applied to every vehicle of a train. (4.) Whether in regular use in daily working. (5.) Whether the materials employed are of a durable character, easily maintained and kept in order.	Amount of Stock fitted with Continuous Brakes.			Amount of Stock NOT fitted with Continuous Brakes.		Amount of Stock fitted during the above Six Months.		Special rules under which the Continuous Brakes are worked.
			Number of Engines and Tenders used for Passenger Trains.	Number of Vehicles.		Number of Engines and Tenders used for Passenger Trains.	Number of Passenger Carriages and other Vehicles used for Passenger Trains.	Number of Engines and Tenders used for Passenger Trains.	Number of Passenger Carriages and other Vehicles used for Passenger Trains.	
				Passenger Carriages.	Other Vehicles used for Passenger Trains.					

RETURN for the Six Months ending on the day of 18 of all cases in which Continuous Brakes have, from any cause, failed to act when required to be brought into action on any railway worked by the Railway Company.

Name of Railway Company.	Name or description of Brake which failed in being brought into use.	Date of Failure.	Particulars of circumstances relating to the causes of failure.

RETURN for the Six Months ending on the day of 18 of all cases in which Continuous Brakes have not been used on any Passenger Train running on a railway worked by the Railway Company.

Name of Railway Company.	Name of railway worked by Company on which Passenger Train ran without Continuous Brake.	Number of Passenger Trains so run.

CHAPTER 21.

An Act to apply the sum of Seven million five hundred thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine.

[17th June 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 7,500,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1879.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight

hundred and seventy-nine the sum of seven million five hundred thousand pounds.

Power to the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time on the credit of the said sum, any sum or sums not exceeding in the whole the sum of seven million five hundred thousand pounds, and shall repay the moneys so borrowed, with interest not exceeding five per cent. per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 3) Act, 1878.

CHAPTER 22.

An Act to raise the sum of One million five hundred thousand pounds by Exchequer Bonds, for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine.

[17th June 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 1,500,000*l.* by Exchequer bonds.

1. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole one million five hundred thousand pounds, by the issue of Exchequer bonds, in manner provided by the Exchequer Bills and Bonds Act, 1866, so, however, that no Exchequer bond shall be made out for any sum less than one hundred pounds.

29 & 30 Vict. c. 25.

Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding three years nor less than twelve months from the date of such bond.

Payment of interest and repayment of principal.

2. The interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

The principal money secured by every Exchequer bond issued in pursuance of this Act shall be repaid out of moneys provided by Parliament for the purpose.

Payment of money raised into Exchequer.

3. All money raised in pursuance of this Act shall be paid into the Exchequer.

Extension of 29 & 30 Vict. c. 25. as to forgery, &c., to bonds.

4. Section fifteen of the Exchequer Bills and Bonds Act, 1866, (which section relates to the forgery of Exchequer bills,) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Short title.

5. This Act may be cited as the Exchequer Bonds (No. 2) Act, 1878.

CHAPTER 23.

An Act to remove doubts concerning the due Acknowledgment of Deeds by Married Women in Ireland in certain cases. [17th June 1878.]

WHEREAS by the Act passed in the session of Parliament holden in the fourth and fifth years of King William the Fourth, chapter ninety-two, for the abolition of fines and recoveries and for the substitution of more simple modes of assurance in Ireland, it is provided that every deed to be executed by a married woman for any of the purposes thereof, except such as may be executed by her in the character of protector for the sole purposes of giving her consent to the disposition of a tenant in tail, shall, upon her executing the same or afterwards, be produced and acknowledged by her as her act and deed before a Judge of one of the Superior Courts at Dublin or a Master in Chancery, or before two of the perpetual Commissioners, or two special Commissioners to be respectively appointed as therein provided ; and a certificate of the taking of such acknowledgment is thereby directed to be lodged with some officer of the Court of Common Pleas in Dublin, who is directed, after satisfying himself that the requisitions of the said Act have been complied with in manner therein mentioned, to cause the said certificate to be filed of record in the said Court of Common Pleas : 4 & 5 W. 4. c. 92.

And whereas by the County Officers and Courts (Ireland) Act, 1877, it is enacted that any acknowledgment to be made by any married woman under the said Act of the fourth and fifth William the Fourth may be received by any Chairman in the same manner in which such acknowledgment may be received by a Judge of a superior court : 40 & 41 Vict. c. 56.

And whereas it is apprehended that deeds executed by married women under the provisions of the said Act may be liable to be invalidated by the circumstances that the Judge or Master in Chancery, or Chairman, or one or both of the Commissioners taking the acknowledgment, may be or may have been interested or concerned, either as a party or otherwise, in the transaction giving occasion for such acknowledgment, and it is not expedient that deeds executed in good faith under such circumstances should be invalidated :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extent of Act.

1. This Act shall not apply to England or Scotland.

Short title.

2. This Act may be cited as the Acknowledgment of Deeds by Married Women (Ireland) Act, 1878.

Acknowledgment of deed not impeachable by reason only of party before whom same was taken being interested.

3. No deed which has been acknowledged by a married woman before a Judge of one of the Superior Courts at Dublin or a Master in Chancery, or which has been acknowledged or which shall hereafter be acknowledged before a Judge of the High Court of Justice in Ireland, or a Chairman, or before two of the perpetual Commissioners or two special Commissioners appointed as by the said Act is required, shall be impeached or impeachable at any time after the certificate of such acknowledgment has been filed of record by reason only that such Judge, Chairman, or Master in Chancery, or such Commissioners, or either of them, was or were interested or concerned either as a party or parties, or as attorney or solicitor or clerk to the attorney or solicitor of one of the parties, or otherwise in the transaction giving occasion for such acknowledgment.

Staying proceedings for quashing certificate of acknowledgment.

4. Provided that if any proceeding instituted before the ninth day of May one thousand eight hundred and seventy-eight in the said High Court of Justice in Ireland for the purpose of quashing or taking off the file of records of the said Court any certificate of an acknowledgment of a deed by a married woman on the ground that such Judge, Chairman, or Master in Chancery, or either of such Commissioners, was interested or concerned as aforesaid, shall be pending at the passing of this Act, it shall be lawful for the said Court to proceed with and dispose of the same as if this Act had not passed, except that if the said Court shall be satisfied that any person or persons acting bonâ fide has or have been induced by the terms of the orders made by the said Court of Common Pleas to acknowledge or to accept a title depending on the acknowledgment of any deed or deeds before Commissioners one of whom may have been interested or concerned as aforesaid, the said High Court may refuse to permit the certificate to be quashed or taken off the file on such terms as to the payment of costs and expenses as the said High Court shall think fit to make.

High Court of Justice may make rules.

5. The Common Pleas Division of the High Court of Justice in Ireland may, from time to time, make any rules which to them may seem fit for preventing any Commissioners interested or concerned as aforesaid from taking any acknowledgment under the said recited Act, anything herein contained to the contrary notwithstanding, so nevertheless that no such rule shall make invalid any acknowledgment after the certificate shall have been filed of record as aforesaid.

CHAPTER 24.

An Act to amend the Public Works Loans (Ireland) Act, 1877, so far as relates to Lunatic Asylums.

[4th July 1878.]

WHEREAS it was enacted by the fifth section of the Public Works Loans (Ireland) Act, 1877, that after the thirty-first day of March one thousand eight hundred and seventy-eight, advances should not be made out of the Consolidated Fund for the opening or maintenance of lunatic asylums, but no sufficient provision was made by the said Act for authorising presentments to be made by grand juries upon estimates of the expense necessary for the maintenance of such asylums, nor for the apportionment of such expense between two or more counties, and it is necessary to make such provision: 40 & 41 Vict. c. 27.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Expenses of maintenance of lunatic asylums.

1. The inspectors of lunatics in Ireland shall, at such times in each year and in such manner and form and for such period as the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice and consent of the Privy Council in Ireland, shall from time to time direct, estimate the sums of money which shall be necessary for the support and maintenance of every district lunatic asylum, including the support and maintenance of the officers thereof and patients therein, and in every case in which the district of a lunatic asylum shall consist of more than one county shall estimate what proportion of such sums of money is to be contributed by and charged on each county comprised in the district of such lunatic asylum, and shall make out for each county a certificate in such form as the Lord Lieutenant or other chief governor or governors shall from time to time prescribe, under the hands or hand of the said inspectors or one of them, specifying the amount of money so estimated to be necessary for the support and maintenance of the district lunatic asylum of and for such county during the said period, and specifying that the whole or a certain portion thereof, as the case may be, is properly contributable by and chargeable on the said county, and shall transmit the certificate to the secretary of the grand jury of such county, (when approved and certified by the Chief or Under Secretary to the Lord Lieutenant,) to be laid before the grand jury, and thereupon the grand jury of such county shall (without any previous proceeding at presentment sessions) make a presentment for the amount specified in such certificate as properly contributable by the said county, to be raised off the county at large, and to be paid to the governors of the district lunatic asylum, or in default thereof the amount shall be raised by an order of the judge of assize or of the court at any presenting term, which order shall have the force of a presentment. In this Act the term "county" extends to and includes any county of a city or county of a town included at the time of the passing of this Act in the district of any district lunatic asylum, and the term

Interpretation of terms.

"grand jury," as regards any city or borough the town council of which is authorised to make presentments for the support and maintenance of a district lunatic asylum, includes such town council, and the term "secretary of the grand jury" includes the town clerk of such town council.

CHAPTER 25.

An Act to amend the Public Health Act, 1875, so far as relates to the supply of Water. [4th July 1878.]

38 & 39 Vict. c. 55.

WHEREAS it is expedient to amend the provisions of the Public Health Act, 1875:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, and construction.

1. This Act may be cited as the Public Health (Water) Act, 1878, and shall be construed as one with the Public Health Act, 1875.

Commencement of Act.

2. This Act shall come into operation on the twenty-fifth day of March one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

Duty of rural authority to provide or require provision of sufficient water supply, and procedure for enforcing such requirement.

3. It shall be the duty of every rural sanitary authority, regard being had to the provisions in this Act contained, to see that every occupied dwelling-house within their district has within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house.

Where it appears to a rural sanitary authority, on the report of their inspector of nuisances, or their medical officer of health, that any occupied dwelling-house within their district has not such supply within a reasonable distance, and the authority are of opinion that such supply can be provided at a reasonable cost not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to twopence per week, or at such other cost not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to threepence per week, as the Local Government Board may on the application of the local authority determine under all the circumstances of the case to be reasonable, and that the expense of providing the supply ought to be paid by the owner or defrayed as private improvement expenses, proceedings may be taken as follows:

(1.) The authority may serve on the owner of the house a notice requiring him, within a time specified in the notice and not exceeding six months from the date of the service thereof, to provide such supply, and to do all such works as may be necessary for that purpose.

(2.) If at the expiration of the time so specified the notice is not complied with, the authority may serve on the owner a second notice, informing him that if the requirements of the first notice are not complied with within one month from the date of the service of the second notice, the

authority will themselves provide such supply, and that the expense of providing the supply will in that case be payable by the owner or as a private improvement expense.

(3.) If at the expiration of one month from the date of the service of the second notice the requirements of the first notice are not complied with, the authority may, subject as in this Act is mentioned, themselves provide the supply, and for that purpose they may enter upon the premises and execute all such works as appear to them necessary for obtaining a supply of water for the house, and for the purposes of such entry sections 102 and 103 of the Public Health Act, 1875, shall apply until the works are completed, in the same manner as if an order of a court of summary jurisdiction had been made for the abatement of a nuisance on the premises, and that order had not been complied with. 38 & 39 Vict. c. 55.

(4.) Any expenses incurred by the authority in providing such supply and doing such works may, when the supply has been provided, be recovered in a summary manner from the owner of the house, or may, at the option of the authority, be declared, by their order, to be private improvement expenses.

(5.) Where the owners of two or more houses have failed to comply with the requirements of the notices served on them under this section, and the authority might, under this Act, execute the necessary works for providing a water supply for each house, the authority may, if it appears to them desirable, and no greater expense would be occasioned thereby, execute works for the joint supply of water to those houses, and apportion the expenses as they deem just.

The authority may, on cause being shown to their satisfaction why the requirements of a notice served by them under this section should not be complied with, withdraw the notice or modify the requirements thereof.

Provided that nothing in this section contained shall be deemed to relieve the authority from the duty imposed upon them by the Public Health Act, 1875, of providing their district or any contributory place or part of a contributory place therein with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, and a general scheme of supply is required, and such supply can be got at a reasonable cost. 38 & 39 Vict. c. 55.

Appeal by owner against requirement to provide water supply.

4. Where an owner of a house has been required by the notice of a rural sanitary authority to provide a supply of water for his house, and objects to such requirement on any of the following grounds; that is to say,

(1.) That the supply is not required; or,

(2.) That the time limited by the notice for providing the supply is insufficient; or,

(3.) That it is impracticable to provide the supply at a reasonable cost; or,

(4.) That the authority ought themselves to provide a supply of water for the district or contributory place in which the house is situate, or to render the existing supply of water wholesome; or,

(5.) That the whole or part of the expense of providing the supply, or of rendering the existing supply wholesome, ought to be a charge on the district or contributory place;

he may, within twenty-one days after service on him of the second notice, address a memorial to the authority, stating his objections, and in that case it shall not be lawful for the authority to proceed with the execution of the works which they might otherwise execute under this Act until they have been authorised to execute the same by a court of summary jurisdiction or by the Local Government Board in manner herein-after provided.

If the objections stated in the memorial do not include either the fourth or fifth of the above-mentioned grounds, the authority may apply to a court of summary jurisdiction for an order authorising them to proceed with the works, and thereupon the court shall summon the owner, and, if satisfied on hearing the case that the objections are not well founded, shall make an order authorising the authority to proceed with the works in the event of their not being executed by the owner within a time limited by the order.

If the objections stated in the memorial are or include the fourth and fifth of the above-mentioned grounds, or either of them, the authority shall forward a copy of the memorial to the Local Government Board, who may either cancel the requirement of the authority, or confirm the same, with or without modifications.

If the Local Government Board confirm the requirement they shall issue an order authorising the authority, subject to such modifications, if any, as they prescribe, to execute the works in the event of such works not being executed by the owner within a time limited by the order.

Any such order may, if the Local Government Board think it equitable so to do, apportion the expense of providing the supply between the owner of the house and the authority of the district comprising the contributory place in which the house is situate, or between the owner and any other person or persons.

If the Local Government Board cancel the requirement on the grounds that the authority ought themselves to provide a supply of water for the district or contributory place in which the house is situate, or to render the existing supply wholesome, the memorial shall be deemed to have been a complaint of default made to the Local Government Board against the authority under the 299th section of the Public Health Act, 1875.

38 & 39 Vict. c 55.

Appeal against apportionment of expenses.

5. Where the expenses of providing a joint supply of water for two or more houses are apportioned under this Act by a rural sanitary authority among the owners of the several houses, notice of such apportionment shall be forthwith given to each of such owners, and if any owner objects to the apportionment as unjust, he may, within twenty-one days after service on him of notice thereof, apply to a justice, and thereupon the justice may summon the authority, and also the other owners, to show cause before a court of summary juris-

diction why the apportionment should not be varied, and the court may either dismiss the application or make such order varying the apportionment as to the court may appear reasonable.

Houses in rural districts not to be erected or rebuilt without sufficient water supply.

6. It shall not be lawful in any rural district for the owner of any dwelling-house which may be erected after the date of the commencement of this Act, or of any dwelling-house which after that date may be pulled down to or below the ground floor and rebuilt, to occupy the same, or cause or permit the same to be occupied, unless and until he has obtained from the sanitary authority of the district a certificate that there is provided, within a reasonable distance of the house, such an available supply of wholesome water as may appear to such authority, on the report of their inspector of nuisances or of their medical officer of health, to be sufficient for the consumption and use for domestic purposes of the inmates of the house.

If the sanitary authority refuse to grant such certificate, the owner may apply to a court of summary jurisdiction for an order authorising the occupation of the house notwithstanding the refusal of the certificate, and thereupon the court shall summon the authority, and if the court, after hearing the case, is of opinion that the certificate ought to have been granted, the court may make an order authorising the occupation of the house.

Any owner who occupies a house or causes or permits it to be occupied in contravention of this section shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding ten pounds.

Periodical inspections of water supply.

7. It shall be the duty of every rural sanitary authority from time to time to take such steps as may be necessary to ascertain the condition of the water supply within their district, and the authority may pay all reasonable costs and expenses incurred by them for the purpose of taking such steps. The authority, or any of their officers, or any person duly authorised in writing for that purpose by the authority, if they or he have or has reasonable ground for believing that any occupied dwelling-house within the district is without a proper supply of wholesome water, sufficient for the consumption and use for domestic purposes of the inmates of such house, shall be admitted into the premises for which such supply is required or from which the water supply may be derived for the purpose of ascertaining whether or not such house has such a supply within a reasonable distance; and for the purposes of any such admission sections 102 and 103 of the Public Health Act, 1875, shall apply in the same manner as if such admission were necessary for the purpose of examining as to the existence of any nuisance on the premises, and the person so authorised as aforesaid were an officer of the rural sanitary authority.

38 & 39 Vict. c. 55.

Explanation of s. 62 of 38 & 39 Vict. c. 55 as to the meaning of "reasonable cost."

8. Where application is made to the Local Government Board by a local authority under section 62 of the Public Health Act, 1875, to determine what is a reasonable cost within the meaning of that section, the Board may, for that purpose, fix, by order, a general scale of charges for the whole or any part of the district of the local authority, and the cost of the supply of water to any house within the area specified in the order shall be deemed to be determined to be a reasonable cost within the meaning of that section if it does not exceed the cost authorised by such general scale of charges.

Rating for water supply by stand-pipes.

9. Where a rural sanitary authority have provided a stand-pipe or stand-pipes for the supply of water to any portion of their district, they may recover water rates or water rents from the owner or occupier of every dwelling-house within two hundred feet of any such stand-pipe, in the same manner in all respects as if the supply had been given on the premises.

Provided that if any such dwelling-house has, within a reasonable distance, and from other sources, a supply of wholesome water sufficient for the consumption and use of the inmates of the house, no water rate or water rent shall be recoverable from the owner or occupier of the house unless and until the water supplied by the authority by means of such stand-pipes is used by inmates of the house.

Power to require water rates to be levied.

38 & 39 Vict. c. 55.

10. Where a sanitary authority under the provisions of the Public Health Act, 1875, as amended by this Act, supply water in any urban district or in any contributory place, and an application is made to them by any ten persons rated to the relief of the poor in such urban district, or by any five persons so rated in such contributory place, to charge water rates or water rents in respect of the water so supplied, it shall be incumbent upon the authority to exercise the powers given to them by the Public Health Act, 1875, and by this Act, of charging water rates or water rents in respect of all water supplied by them in such urban district or in such contributory place.

Powers of urban sanitary authorities in certain cases.

11. The Local Government Board may, if they think fit, by order, invest any urban sanitary authority with all or any of the powers and duties which are by this Act given to a rural sanitary authority, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at or in which the powers and duties are to be exercised.

Forms in the schedule.

12. The forms contained in the schedule to this Act, or forms to like effect varied as circumstances may require, may be used, and shall be deemed sufficient for all purposes.

Powers of Act cumulative.

13. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom.

THE SCHEDULE.

Sect. 12.

FORM (A.)

Form of Notice requiring Owner to provide a supply of Water for an Occupied House.

To the owner of the house occupied by [*state name of occupier*] and situated at [*give such description as may be sufficient to identify the premises*] within the district of [*describe the local authority*].

Whereas it appears to the above-named [*local authority*] on the report of their [*inspector of nuisances or their medical officer of health, as the case may be*] that the said house has not within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house by reason of the existing supply not being [*wholesome or sufficient, or within a reasonable distance,*

as the case may be], and that the requisite supply can be provided at a reasonable cost; and whereas the said [*local authority*] are of opinion that such supply ought to be provided at your expense as the owner of the said house, or defrayed as private improvement expenses:

Now, therefore, we, the said [*local authority*], in pursuance of the Public Health (Water) Act, 1878, do hereby require you to provide an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the said house within a reasonable distance from such house, and to do all such works as may be necessary for that purpose within [*state the time*] from the date of the service hereof.

Dated this day of 187 .

(Signed)

Clerk to the said [*local authority*].

FORM (B.) Sect. 12.

Form of Second Notice to be served where Requirements of First Notice have not been complied with.

To the owner of the house occupied by [*state name of occupier*] and situated at [*give such description as may be sufficient to identify the premises*] within the district of [*describe the local authority*].

Whereas on the day of the above-named [*local authority*], in pursuance of the Public Health (Water) Act, 1878, served on you a notice bearing date the day of requiring you as the owner of the said house to provide an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the said house within a reasonable distance from such house, and to do all such works as might be necessary for that purpose within [*state the time*] from the date of the service of such notice:

And whereas the said notice has not been complied with: Now, therefore, we, the said [*local authority*], do hereby give you notice that if the requirements of the said first notice dated the day of are not complied with within one month from the date of the service hereof, we [*describe local authority*] will ourselves provide a supply of water for the said house, and do all necessary works for that purpose, and that the cost which may be incurred therein will be recovered from you summarily or be recovered as private improvement expenses.

Dated this day of 187 .

(Signed)

Clerk to the said [*local authority*].

CHAPTER 26.

An Act to amend the Law relating to the Registration of Voters in Parliamentary Boroughs and the Enrolment of Burgesses in Municipal Boroughs, and relating to certain rights of voting and proceedings before and appeals from Revising Barristers. [22d July 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles.

1. This Act may be cited as the Parliamentary and Municipal Registration Act, 1878.

The Acts referred to in this Act by short titles may be cited for all purposes by those titles respectively.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Commencement of Act.

3. This Act shall come into operation on the first day of February one thousand eight hundred and seventy-nine, which date is in this Act referred to as the commencement of this Act.

Definitions.

4. In this Act—

The term "Reform Act, 1832," means the Act of the session of the second and third years of the reign of King William the Fourth, chapter forty-five, "to amend the representation of the "people in England and Wales:"

5 & 6 W. 4. c. 76. 40 & 41 Vict. c. 69.

The term "Municipal Corporation Acts" means the Municipal Corporation Act, 1835, and the Acts amending the same:

The term "Parliamentary Registration Act, 1843," means the Act of the session of the sixth and seventh years of the reign of Her present Majesty, chapter eighteen, "to amend the law for the "registration of persons entitled to vote, and to define certain "rights of voting and to regulate certain proceedings in the "election of members to serve in Parliament for England and "Wales:"

The term "Parliamentary Registration Acts" means the Parliamentary Registration Act, 1843, and any enactment amending the same or otherwise relating to the registration of parliamentary electors:

The term "parliamentary borough" means any borough, city, county of a city, county of a town, place, or combination of places returning a member or members to serve in Parliament, and not being a county at large, or riding, part, or division of a county at large:

The term "municipal borough" means any place for the time being subject to the Municipal Corporation Acts:

The term "parliamentary voter" means a person entitled to be registered as a voter and when registered to vote at the election of a member or members to serve in Parliament for a parliamentary borough:

The term "burgess" has the same meaning as in the Municipal Corporation Acts:

The term "parish" means a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed:

Other terms used in this Act have the same meaning as in the Parliamentary Registration Acts.

Explanation of terms. "House," &c. 2 & 3 W. 4. c. 45. s. 27.

5. In and for the purposes of the Reform Act, 1832, and the Municipal Corporation Acts the terms "house, warehouse, counting-"house, shop, or other building," shall include any part of a house where that part is separately occupied for the purpose of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as "office," "chambers," "studio," or by any like term applicable to the case.

* Canterbury Mf. Pay. Reg. (Cubicle in police station) 1946. 1 QB 395

In and for the purposes of the Representation of the People Act, 1867, the term "dwelling-house" shall include any part of a house where that part is separately occupied as a dwelling, and the term "lodgings" shall include any apartments or place of residence, whether furnished or unfurnished, in a dwelling-house. 30 & 31 Vict. c. 102. "Dwelling-house." "Lodgings."

For the purposes of any of the Acts referred to in this section, where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part. Separate occupation of part notwithstanding joint occupation of other part.

The interpretation contained in this section of "dwelling-house" shall be in substitution for the interpretation thereof contained in section sixty-one of the Representation of the People Act, 1867, but not so as to affect any of the other provisions of the said Act relating to rating. 30 & 31 Vict. c. 102. s. 61.

6.—(1.) Lodgings occupied by a person in any year or two successive years shall not be deemed to be different lodgings by reason only that in that year or in either of those years he has occupied some other rooms or place in addition to his original lodgings. Additional lodgings.

(2.) For the purpose of qualifying a lodger to vote, the occupation in immediate succession of different lodgings of the requisite value in the same house shall have the same effect as continued occupation of the same lodgings. Successive lodgings in the same house.

(3.) Where lodgings are jointly occupied by more than one lodger, and the clear yearly value of the lodgings if let unfurnished is of an amount which when divided by the number of the lodgers gives a sum of not less than ten pounds for each lodger, then each lodger, if otherwise qualified and subject to the conditions of the Representation of the People Act, 1867, shall be entitled to be registered, and when registered to vote as a lodger, provided that not more than two persons being such joint lodgers shall be entitled to be registered in respect of such lodgings. Joint occupation of lodgings. 30 & 31 Vict. c. 102.

7. In every parliamentary borough and in every municipal borough every period of qualification for parliamentary voters and burgesses respectively which is now computed by reference to the last day of July, shall, instead of being so computed, be computed by reference to the fifteenth day of July. Period of qualification.

The term "period of qualification" in this section shall include any period of occupation, residence, possession, receipt of rents and profits, and non-receipt of parochial relief or other alms.

8. In every parliamentary borough and in every municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, the forms in the schedule to this Act, or forms to the like effect, varied as circumstances require, shall be used for the purposes for which the same are applicable respectively, and shall for the purposes of the Parliamentary Registration Acts and this Act be deemed to be substituted for any corresponding forms in the schedules to the Parliamentary Registration Acts. Forms relating to registration in parliamentary boroughs and burgess lists in certain municipal boroughs.

The said schedule and the notes thereto shall be construed and have effect as if enacted in the body of this Act.

All precepts, instructions, proceedings, notices, and lists relating to the registration of parliamentary voters or enrolment of burgesses

shall be expressed in such manner and form as may be necessary to carry the provisions of this Act into effect.

Publication of notices and lists in post and telegraph offices, &c.

9. In every parliamentary borough and in every municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, any notice or list which is by the Parliamentary Registration Acts or this Act directed to be published by overseers shall be published by them not only in the manner directed by those Acts, but also by being affixed and kept in some public and conspicuous position in or near every post office and telegraph office occupied by or on behalf of Her Majesty's Postmaster General, and in or near every public or municipal or parochial office within the parish to which the list relates.

All the provisions of those Acts with respect to the publication of notices or lists shall apply to the publication to be made under this section.

Notice of rates in arrear. 6 & 7 Vict. c. 18. s. 11. 30 & 31 Vict. c. 102. s. 28.

10. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, section eleven of the Parliamentary Registration Act, 1843, and section twenty-eight of the Representation of the People Act, 1867, (which relate to the notices to be published and given with respect to rates and taxes in arrear,) shall, as amended by this Act, extend with the necessary modifications to the rates of which the payment is required as a condition of enrolment on the burgess roll, and all the provisions of those sections as so amended shall apply to the overseers of parishes situate wholly or partly in a municipal borough accordingly.

Any notice required to be given under this section shall be deemed to be duly given if delivered to the occupier or left at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable.

In case no such person can be found, then the notice required to be given under this section or under section twenty-eight of the Representation of the People Act, 1867, shall be deemed to be duly given if affixed upon some conspicuous part of the premises.

30 & 31 Vict. c. 102. s. 28.

Any overseer who with intent to keep an occupier off the list or register of voters for a parliamentary borough, or off the burgess lists or burgess roll of a municipal borough, shall wilfully withhold any notice required by this section to be given to such occupier, shall be deemed guilty of a breach of duty in the execution of this Act.

30 & 31 Vict. c. 102. s. 29.

Section twenty-nine of the Representation of the People Act, 1867, shall extend and be applicable to every parish situate wholly or partly within a municipal borough whose burgess lists are revised under this Act.

Registrars to furnish returns of deaths to overseers.

11. Every registrar of births and deaths whose sub-district includes the whole or part of any parliamentary borough or any municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, shall transmit by post or otherwise to the overseers of every parish the whole or any part of which is included in the parliamentary borough or municipal borough and also in his sub-district, a return certified under his hand to be a true return of the names, ages, and residences of all male persons of full age dying within that parish or part, and also when and as required by those overseers of the names, ages, and

residences of all women of full age dying within that parish or part.

The returns shall state the names of all such persons in full (where the names are known) and the dates of their deaths, and the names and residences of the persons by whom information of the deaths was given to the registrar.

The returns shall be made four times a year; that is to say,

On or before the seventh day of April for the three months ending with the preceding thirty-first day of March;

On or before the twenty-second day of July for the period beginning with the preceding first day of April and ending with the fifteenth day of July;

On or before the fifteenth day of September, or at such other time before the completion of the revision of the lists of the parliamentary borough or municipal borough to the area of which the return relates as the barrister revising the same shall appoint in that behalf for the period beginning with the preceding sixteenth day of July, and ending with the time when such return is made, or as near thereto as practicable;

And on or before the seventh day of January for the period beginning with the preceding fifteenth day of September or from the time for which the last preceding return was made, and ending with the thirty-first day of December:

The registrar making any such return shall be entitled to fees at the rate specified in the twenty-eighth section of the Births and Deaths Registration Act, 1874, in respect of the returns therein mentioned, and such fees shall be paid by the overseers as part of the expenses of carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists. 37 & 38 Vict. c. 88. s. 28.

List of persons disqualified by parochial relief.

The overseers shall omit from any list made by them the name of any person who appears from such returns to be dead, and shall allow any person who is registered as a parliamentary voter of the parliamentary borough or enrolled as a burgess of the municipal borough to which the returns relate to inspect any such returns in their custody at all reasonable times free of charge.

12. The overseers of every parish situate wholly or partly either in a parliamentary borough or in a municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, shall ascertain from the relieving officer acting for that parish the names of all persons who are disqualified for being inserted in the lists of parliamentary voters or burgess lists for that parish by reason of having received parochial relief, and the relieving officer, upon application from the overseers, shall produce to them at such place within the parish, and at such time as is required by them, the books in his possession containing the names of those persons.

Inspection of rate books.

13. In every parish situate wholly or partly either in a parliamentary borough or in a municipal borough the whole or part of the area whereof is co-extensive with or included in the area of a parliamentary borough, the books containing the poor rates made for the parish within the previous two years shall at all reasonable times be open, free of charge, to the inspection of any person who is registered as a parliamentary voter for the parliamentary borough, or enrolled as a burgess of the municipal borough, and any such

voter or burgess may make any copy thereof or take any extract therefrom.

Explanation of 32 & 33 Vict. c. 41. s. 19. as to entering occupier's name in rate book.

14. Whereas by section nineteen of the Poor Rate Assessment and Collection Act, 1869, the overseers in making out the poor rate are required in every case, whether the rate is collected from the owner or occupier, or the owner is liable to the payment of the rate instead of the occupier, to enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, and it is thereby declared that every such occupier shall be deemed to be duly rated for any qualification or franchise as therein mentioned; and whereas doubts have been entertained as to the application of this enactment, and it is expedient to remove them: Be it therefore enacted that the recited enactment shall not be deemed to apply exclusively to cases where an agreement has been made under section three of the same Act, or where an order has been made under section four of the same Act, but shall be of general application.

Preparation of lists of parliamentary voters and burgess lists together in certain cases.

15. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the lists of parliamentary voters and the burgess lists shall so far as practicable be made out and revised together.

In every such case the overseers of every parish situate wholly or partly either in the parliamentary borough or in the municipal borough shall, on or before the last day of July in every year make out a list of all persons entitled under any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to be registered as voters for the parliamentary borough in respect of the occupation of property situate wholly or partly within that parish, or entitled to be enrolled as burgesses of the municipal borough in respect of the occupation of any property so situate.

2 & 3 W. 4. c. 45. 30 & 31 Vict. c. 102. s. 3.

With respect to every list so made out the following provisions shall have effect:

(1.) The lists shall be in substitution for the lists of persons so entitled, which are required to be made out under the Parliamentary Registration Acts and the Municipal Corporation Acts:

(2.) Where the parish is situate wholly or partly both in the parliamentary borough and in the municipal borough, the list for the parish shall be made out in three divisions:

Division One shall comprise the names of the persons entitled both to be registered as parliamentary voters under a right conferred as aforesaid and to be enrolled as burgesses;

Division Two shall comprise the names of the persons entitled to be registered as parliamentary voters under a right conferred as aforesaid, but not to be enrolled as burgesses;

Division Three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters under a right conferred as aforesaid:

(3.) Each list shall state the surname and other name or names of every person whose name is inserted therein, his place

of abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled:

(4.) Each list shall be signed and otherwise dealt with in manner directed by the Parliamentary Registration Acts with respect to the alphabetical lists mentioned in section thirteen of the Parliamentary Registration Act, 1843: 6 & 7 Vict. c. 18. s. 13.

(5.) Where no part of the parish is situate within the municipal borough, the list for the parish shall be deemed to be a list of voters for the parliamentary borough:

(6.) Where no part of the parish is situate within the parliamentary borough, the list for the parish shall be deemed to be a burgess list for the municipal borough:

(7.) Where the list is made out in divisions, Divisions One and Two shall be deemed to be lists of voters for the parliamentary borough, and Divisions One and Three shall be deemed to be burgess lists for the municipal borough:

(8.) The lists, and if the lists are made out in divisions, each division thereof, shall, if and so far as the local authority from time to time direct, according to convenience for use, be framed in parts for polling districts or wards; and where the polling districts and wards are not conterminous, in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists.

Freemen's and other rights. 2 & 3 W. 4. c. 45. 30 & 31 Vict. c. 102. s. 3.

16. In the case of any parliamentary borough in which any persons are entitled to be registered as freemen, or under any right other than a right conferred by the Reform Act, 1832, or the third section of the Representation of the People Act, 1867, the registration of such persons shall be carried out in the manner directed by the Parliamentary Registration Acts, as modified by this Act.

Provision where several municipal boroughs included in one parliamentary borough.

17. In the case of a parliamentary borough which includes in whole or in part more municipal boroughs than one, each such municipal borough shall, for the purposes of this Act, be dealt with separately and as if each were the only municipal borough included in whole or in part in such parliamentary borough, and if any parish is partly in one and partly in another or others of such municipal boroughs, so much thereof as is in any one of such municipal boroughs shall, for the purposes of this Act, be dealt with as a separate parish.

The town clerk of each such municipal borough shall, so far as regards the area of such municipal borough, issue the precepts and perform the other duties to be performed by the town clerk under and shall be the town clerk for the purposes of the Parliamentary Registration Acts and this Act.

Application of Parliamentary Registration Acts to burgess lists made out under this Act.

18. The Municipal Corporation Acts shall not, as to anything prior to the completion of the revision of the burgess lists, apply to any burgess list made out under this Act, and instead thereof the Parliamentary Registration Acts, as modified by this Act, shall, up to the completion of the revision of the burgess lists, apply to every such burgess list, as if it were a list of parliamentary voters made out under those Acts, and as if the municipal borough to which

such burgess lists relate were a parliamentary borough: Provided as follows:

(1.) Nothing in this Act shall authorise a person entered on a burgess list, not being also entered on a list of parliamentary voters, to make any objection in respect of a list of parliamentary voters, or authorise any person entered on a list of parliamentary voters, not being also entered on a burgess list, to make any objection in respect of a burgess list;

(2.) The last day for revising a burgess list made out under this Act shall be the twelfth day of October; and

(3.) The burgess lists when revised shall be copied for the burgess roll in manner directed by the Municipal Corporation Acts.

Lists of persons qualified to be aldermen or councillors, but not to be burgesses.

19. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the separate lists of the persons entitled to be elected councillors or aldermen of the municipal borough, though not entitled to be on the burgess roll, shall be made out at the same time and in the same manner as the burgess lists, and all the provisions of this Act with respect to the burgess lists shall apply to those separate lists.

Abolition of assessors in certain municipal boroughs.

20. After the commencement of this Act assessors shall not be elected in any municipal borough which as regards the whole or part of its area is co-extensive with or included in the area of a parliamentary borough, and any assessors elected in any such municipal borough before the commencement of this Act shall cease to hold office upon the commencement of this Act.

Lists and registers may be arranged according to streets.

21. If and so far as the local authority so direct, the lists of parliamentary voters and registers of parliamentary voters in parliamentary boroughs, and the burgess lists and burgess rolls in municipal boroughs, and the lists of claimants and persons objected to in parliamentary boroughs and municipal boroughs respectively, or any of those documents, shall, so far as they relate to persons qualified in respect of the ownership or occupation of property (including persons qualified in respect of lodgings), be arranged in the same order in which the qualifying premises appear in the rate book for the parish in which those premises are situate, or as nearly thereto as will cause those lists, registers, and rolls to record the qualifying premises in successive order in the street or other place in which they are situate, subject in the case of a municipal borough divided into wards to the division of the burgess roll into ward lists. The local authority in this Act means as regards a parliamentary borough the authority having power to divide the parliamentary borough into polling districts, and as regards a municipal borough the council of the municipal borough.

Claim by lodger retaining same lodgings in successive years.

22. Where a person is entered in respect of lodgings on the register of voters for the time being in force, and desires to be entered on the next register in respect of the same lodgings, he may claim to be so entered by sending notice of his claim to the overseers of the parish in which his lodgings are situate on or before the twenty-fifth day of July.

The overseers shall on or before the last day of July make out a list of all persons so claiming, and if they have reasonable cause to believe that any person whose name is entered on the list is not entitled to be registered or is dead, shall add in the margin of the list opposite his name the words "objected to" or "dead," as the case may be.

The lists so made out shall be signed, published, and otherwise dealt with in the same manner as the alphabetical lists mentioned in section thirteen of the Parliamentary Registration Act, 1843, and shall for the purposes of the Parliamentary Registration Acts be deemed to be lists of voters, and the provisions of the Parliamentary Registration Acts as to objections shall apply to such lists, and the persons against whose names the overseers have so written the words "objected to" or "dead" shall be deemed to be duly objected to. 6 & 7 Vict. c. 18.

Declaration of lodger to be primâ facie evidence.

23. In the case of a person claiming to vote as a lodger, the declaration annexed to his notice of claim shall, for the purposes of revision, be primâ facie evidence of his qualification.

Declaration as to misdescription.

24. Any person who is entered on any list of voters for a parliamentary borough or any burgess list, subject to revision under this Act, for a municipal borough, and whose name or place of abode or the nature of whose qualification or the name or situation of whose qualifying property is not correctly stated in such list, or in respect of whom there is any other error or omission in the said list, may, whether he has received a notice of objection or not, if he thinks fit, make and subscribe a declaration in the form in that behalf in the schedule to this Act, or as near thereto as the circumstances will admit, before any justice of the peace or any commissioner or other person authorised to administer oaths in the Supreme Court of Judicature.

The declaration shall be duly dated and shall on or before the twelfth day of September be sent to the town clerk, who forthwith shall indorse on the declaration a memorandum signed or initialed by him, stating the date when he received it, and naming the declarant, and the list to which the declaration refers, and shall deliver all such declarations to the revising barrister at his first court.

If the declaration is sent as aforesaid in due time (of which the said indorsement shall be primâ facie proof), the revising barrister shall receive the declaration as evidence of the facts declared to, and that without proof of the signature of the declarant, or of the justice, commissioner, or person before whom the declaration purports to have been subscribed, unless he has good reason to doubt the genuineness of any signature thereto.

The declarations shall be open free of charge to public inspection at the office of the said town clerk, at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day except Sunday, before the fifteenth day of September, and he shall deliver copies thereof on application and payment of the price of fourpence per folio of seventy-two words.

Penalty for false declaration.

25. If any person falsely or fraudulently signs any such declaration as last aforesaid, or any declaration either as claimant or witness in respect of a claim to vote as a lodger in the name of any other

person, whether that person is living or dead, or in a fictitious name, or sends as genuine any false or falsified declaration knowing the same to be false or falsified, or knowingly and wilfully makes any false statement of fact in any declaration of the nature aforesaid, he shall be guilty of a misdemeanor and punishable by fine or by imprisonment for a term not exceeding one year, and the revising barrister shall have power to impound the declaration.

Notice of objection to state specific grounds of objection, &c.

6 & 7 Vict. c. 18. ss. 17, 20.

28 & 29 Vict. c. 36. ss. 7, 8.

26. The notice required by the seventeenth and twentieth sections of the Parliamentary Registration Act, 1843, to be given to persons objected to in boroughs for the purposes of the revision of the lists of voters for a parliamentary borough and the burgess lists for a municipal borough whose burgess lists are revised under this Act, shall state specifically the ground or grounds of objection, and sections seven and eight of the County Voters Registration Act, 1865, shall extend to such objections.

Revision of lists of voters.

27. For the purposes of the revision of the lists of voters for a parliamentary borough, and the burgess lists for a municipal borough whose burgess lists are revised under this Act—

Objections may be withdrawn.

(1.) An objection may be withdrawn by a notice to that effect in writing, signed by the objector, and given to the person objected to and to the town clerk not less than seven days before the day which shall be appointed for the holding of the first court of revision of the list to which the objection relates:

Reviver of objections on death of objector.

(2.) Any objection by a qualified objector may, after his death, be revived by any other person qualified to have made the objection originally by a notice to that effect in writing signed by him, and given to the person objected to and to the town clerk at or before the time of the revision of the entry to which the objection relates:

A person reviving an objection shall be deemed to have made the objection originally, and he shall be responsible in respect thereof, and the proceedings thereon shall be continued accordingly:

Costs of objections.

(3.) Where objection is made otherwise than by an overseer to any person whose name appears on a list of voters or burgesses and the name is retained on the list, the revising barrister shall, unless he is of opinion that the objection was reasonably made either because of a defect or error in the entry to which the objection relates, or because of a difficulty in verifying or identifying the particulars comprised in such entry, or unless the objection is duly withdrawn, or unless for some other special reason he otherwise determines, order costs not exceeding forty shillings to be paid by the objector to the person objected to.

Duties and powers of revising barrister.

28. A revising barrister shall, with respect to the lists of voters for a parliamentary borough and the burgess lists for a municipal borough which he is appointed to revise, perform the duties and have the powers following:

(1.) He shall correct any mistake which is proved to him to have been made in any list:

(2.) He may correct any mistake which is proved to him to have been made in any claim or notice of objection;

(3.) He shall expunge the name of every person, whether objected to or not, whose qualification as stated in any list is insufficient in law to entitle such person to be included therein:

(4.) He shall expunge the name of every person who, whether objected to or not, is proved to the revising barrister to be dead:

(5.) Where an entry in any list and an entry in a return made to

A person objecting to the name of a voter in a list of) the same person, ectors, as the occupier of a dwelling-house, having given ther such entries ima facie proof of the ground of objection within the)eing made to him eaning of s. 28, sub-s. 10, of the Parliamentary and unicipal Registration Act, 1878, by proving (1.) that the son shall expunge elling-house formed part of a building which would itself ordinarily described as a dwelling-house, (2.) that the ne of every person, ndlord resided in the building, and (3.) that the landlord or place of abode, rated for the whole of the building, the voter proved that services were rendered by the landlord, that the landlord he name or situa- imed no right and never in fact exercised any right of qualification is in trol over the dwelling-house, and that at the time of ticulars respecting ing the dwelling-house no terms were specifically men- the list, is or are ned either by the landlord or the voter except as to the mber and situation of the rooms constituting the dwelling- nt of the revising use, the amount of the rent, and the times at which it was purpose of being yable. The premises occupied by the voter did not come within omitted or insuffi- e provisions of ss. 3 or 4 of the Poor Rate Assessment and sfaction of the re- llection Act, 1869:— pleted the revision *Held* by the King's Bench Division, that the voter had not fficient description oved himself entitled to have his name inserted in the list thin sub-s. 11 of s. 28 of the Act of 1878. atters shall be so *Held* by the Court of Appeal, that the voter was not entitled the same in such have his name inserted in the list, upon the ground that he d not been rated or paid rates in respect of the premises cupied by him, and the owner could not in such a case be whether objected gally rated instead of the occupier. sing barrister that

KENT *v.* —— *Occupation Franchise—Objection—Prima facie Proof of Ground of Objection—Evidence admissible before Revising Barrister —Houses similarly occupied—Parliamentary and Municipal Registration Act,* 1878 (41 & 42 *Vict. c.* 26), *s.* 28, *sub-s.* 10. then next pre- e from voting at h or an election

At a court held by a revising barrister objection was taken to ay be, to which the names of certain persons being retained in division 1 of the occupiers' list for a borough on the ground in each case that they any person not had not occupied as owner or tenant the premises named in the use such notice, list for twelve months immediately preceding July 15 in the year. The objector proved as to each of the persons objected to— or proper under (1.) that the dwelling-house in respect of which he claimed to be ge the name, to placed on the list formed part of a house which was itself a house vn place of abode of the description known as an ordinary dwelling-house; (2.) that the landlord or landlady to whom he paid rent also resided in the

The provisions of s. 28, sub-s. 10, of the Parliamentary and unicipal Registration Act, 1878, which require an objector to e prima facie proof of the ground of his objection before the ising barrister, and provide for the giving of such prima facie of to the satisfaction of the revising barrister "by evidence, ute, or otherwise," are in aid of the objector, who may give ma facie proof of his objection by evidence of repute; the sub- tion does not authorize the revising barrister to rely upon dence of repute as distinguished from proof in order to defeat objection.

Where the Court, upon the hearing of a case stated by a ising barrister, is of opinion that the effect of proceedings ore the revising barrister is to shew that certain entries in the s of voters of names objected to have not in fact been revised ording to law, it may in the exercise of its inherent jurisdiction ect the revising barrister to hold another Court for the revision hose entries, notwithstanding that the period limited by statute revising the lists has expired.

KENT *v.* FITTALL (No. 2) 1908. 2 K.B. 933 .. .. C. A.

ject as herein and otherwise by law provided, retain the name of the person objected to:

An objection made under this Act by overseers shall be deemed to cast upon the person objected to the burden of proving his right to be on the list:

The primâ facie proof shall be deemed to be given by the objector if it is shown to the satisfaction of the revising barrister by evidence, repute, or otherwise that there is reasonable ground for believing that the objection is well founded, and that by reason of the person objected to not being present for examination, or for some other reason, the objector is prevented from discovering or proving the truth respecting the entry objected to:

(11.) If such proof is given by the objector as herein prescribed, or if the objection is by overseers, then unless the person objected to appears by himself or by some person on his behalf, and proves that he was entitled on the last day of July then next preceding to have his name inserted in the list in respect of the qualification described in such list, the revising barrister shall expunge the name of the person objected to:

(12.) Where the matter stated in a list or claim, or proved to the revising barrister in relation to any alleged right to be on any list, is in the judgment of the revising barrister insufficient in law to constitute a qualification of the nature or description stated or claimed, but sufficient in law to constitute a qualification of some other nature or description, the revising barrister, if the name is entered in a list for which such true qualification in law is appropriate, shall correct such entry by inserting such qualification accordingly, and in any other case shall insert the name with such qualification in the appropriate list, and shall expunge it from the other list, if any, in which it is entered:

(13.) Except as herein provided, and whether any person is objected to or not, no evidence shall be given of any other qualification than that which is described in the list or claim, as the case may be, nor shall the revising barrister be at liberty to change the description of the qualification as it appears in the list except for the purpose of more clearly and accurately defining the same:

(14.) Where the name of any person appears to be entered more than once as a parliamentary voter on the lists of voters for the same parliamentary borough, or more than once as a burgess on the burgess lists for the same municipal borough, the revising barrister shall inquire whether such entries relate to the same person, and on proof being made to him that such entries relate to the same person shall retain one of the entries for voting, and place against the other or others a note to the effect that the person is not entitled to vote in respect of the qualification therein contained for the parliamentary borough or for the municipal borough, as the case may be, he being on the list for voting in respect of another qualification:

Any such person may, by notice in writing delivered to the revising barrister at the opening of his first revision court, select the entry to be retained for voting, and in making such selection may select one entry to be retained for voting for the parliamentary borough, and another entry to be retained for voting as a burgess for the municipal borough, but if he does not make any selection the entry to be so retained shall be selected by the revising barrister, except in the case of freemen, in which case the entry to be retained by the revising barrister for voting shall be that on the freemen's list:

If any question on appeal, or otherwise, arise as to the validity of the qualification for which the parliamentary voter or burgess is on the list for voting, recourse may be had for supporting the right of the voter or burgess to be on the parliamentary register or burgess roll for voting to any other qualification of such person appearing on the register or burgess roll:

Provided always, that in the case of a municipal borough divided into wards a vote given in or the right to vote in one ward shall not be supported by a qualification appearing on the burgess roll for some other ward:

(15.) Where a list is made out in divisions the revising barrister shall place the name of any person in the division in which it should appear according to the result of the revision, regard being had to the title of the person to be on the list both as a parliamentary voter and as a burgess, or only in one of those capacities, and shall expunge the name from the other division (if any) in which it appears.

This section shall, as regards every parliamentary borough and every municipal borough whose burgess lists are revised under this Act, take effect instead of section forty of the Parliamentary Registration Act, 1843. 6 & 7 Vict. c. 18. s. 40.

Power to fine overseers for neglect of duty. 6 & 7 Vict. c. 18. s. 51.

29. The provisions of the fifty-first section of the Parliamentary Registration Act, 1843, relating to the power of the revising barrister to fine overseers for neglect of duty, shall extend to every wilful refusal, neglect, or breach of duty on the part of overseers in the execution of this Act.

Expenses and receipts. 30 & 31 Vict. c. 102. s. 31.

30. Where the whole or part of the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the expenses properly incurred by the town clerk (including in his expenses the matters mentioned in section thirty-one of the Representation of the People Act, 1867,) and the expenses properly incurred by the overseers in carrying into effect the provisions of this Act with respect to the lists of parliamentary voters and burgess lists, and all moneys received in respect of any of those lists, or in respect of any fine imposed by the revising barrister on the revision of the lists, shall be respectively paid and applied as follows:

(1.) If the area of the parliamentary borough and the area of the municipal borough are co-extensive, one half of the expenses shall be defrayed in the manner provided by the Parliamentary Registration Acts as expenses incurred

thereunder, and the other half shall be defrayed out of the borough fund, and one half of the moneys received as aforesaid shall be applied in the manner directed in those Acts, and the other half shall be paid to the borough fund:

(2.) In all other cases the expenses and receipts in respect of the area common to the parliamentary borough and to a municipal borough shall, as to one half thereof, be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts, and shall as to the other half thereof be defrayed out of and paid to the borough fund of such municipal borough:

And the expenses and receipts in respect of an area exclusively parliamentary shall be defrayed and applied as expenses and receipts under the Parliamentary Registration Acts:

And the expenses and receipts of an area exclusively municipal shall be defrayed out of and paid to the borough fund of the municipal borough comprising such area:

Any expenses and receipts incurred or arising in respect of more than one such area shall be apportioned between the several areas in respect of which they are incurred or arise, in the proportion as nearly as may be in which the same are incurred and arise in respect of the several areas, regard being had to the number of parliamentary voters or burgesses in each area, or any other circumstances occasioning the expenses or giving rise to the receipts:

The revising barrister shall, as part of the business of the revision, determine, if necessary, in respect of what area or areas any expenses or receipts are incurred or arise, and how much thereof is attributable to each area.

The remuneration of the revising barrister shall be paid as heretofore under the Parliamentary Registration Acts: Provided always, that in the case of a municipal borough whose burgess lists are revised under this Act, there shall be paid out of the borough fund to the revising barrister, by way of additional remuneration in respect of his additional work on account of the municipal revision for such municipal borough, a remuneration at the rate mentioned in the third section of the Municipal Corporation Act, 1859.

22 Vict. c. 35. s. 3.

Delivery and custody of revised lists.

31. The lists, if made out in divisions under this Act, shall when revised be delivered to the town clerk to whom in respect of the area to which the lists relate revised parliamentary lists ought to be delivered.

The revising barrister shall as part of the business of the revision, at the request of the town clerk of any municipal borough the whole or part of the area of which is co-extensive with or included in the area of a parliamentary borough, sign and deliver to him a duplicate of the whole or part of any revised list made out in divisions and relating to that municipal borough.

Every such duplicate shall be prepared by the town clerk at whose request it is so signed, and shall be kept by him for use for municipal purposes.

Commencement and duration of

32. The register made up from revised lists under the Parliamentary Registration Acts and this Act of voters for any parlia-

mentary borough shall come into operation on the first day of January next after the revision, and shall continue in operation for the year commencing with such first day of January. parliamentary register.

33. The burgess roll made up from revised lists under this Act of burgesses for any municipal borough shall come into operation on the first day of November next after the revision, and shall continue in operation for the year commencing with such first day of November. Commencement and duration of burgess roll.

34. For all the purposes of the Municipal Elections Act, 1875, relating to the qualification of candidates, or of persons signing or subscribing nomination papers, expressions referring to the burgess roll of the borough, or to the burgess roll or ward list for the time being in force in the borough or ward, shall, for the purposes of any election to be held on or after the first day of November in any year be deemed to refer to the new burgess roll or ward list to come into force on the first day of November in that year. Certain expressions in 38 & 39 Vict. c. 40. to refer to new burgess roll or ward list.

35. Where burgess lists are revised under this Act, the provisions of the Parliamentary Registration Acts as to appeal from the decision of the revising barrister shall apply to a decision on the revision of the burgess lists, and the provisions of the said Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll made up from the burgess lists as if it were a register of parliamentary voters, except that the notice of the judgment or order shall be given to the town clerk having the custody of the burgess roll, and the alteration or correction shall be made and signed by him. Appeal and correction of burgess roll where burgess lists are revised under this Act.

36. A revising barrister may by summons under his hand require any person to attend at the court and give evidence or produce documents for the purpose of the revision, and any person who after the tender to him of a reasonable amount for his expenses fails so to attend, or who fails to answer any question put to him by the revising barrister in pursuance of this section, or to produce any document which he is required in pursuance of this section to produce, shall be liable to pay such fine not exceeding five pounds as may be imposed by the revising barrister, and such fine may be recovered, and when recovered shall be applied in like manner as any other fine imposed by the revising barrister under the Parliamentary Registration Acts. Power for revising barrister to summon witnesses.

37. If any person feels aggrieved by a revising barrister neglecting or refusing to state any case, he may, within one month after such neglect or refusal, apply to the High Court of Justice upon affidavit of the facts for a rule calling on the revising barrister, and also on the person, if any, in whose favour the decision from which the applicant desires to appeal was given, to show cause why a rule should not be made directing the appeal to be entertained and the case to be stated, and thereupon the High Court, or any judge thereof in chambers, may make such rule to show cause, and make the same absolute, or discharge it with or without payment of costs as seems just, and the revising barrister on being served with any such rule absolute shall state the case accordingly, and the case shall be stated and the appeal entertained and heard, notwithstanding any limitations of time or place contained in the Parliamentary Registration Act, 1843. Appeal where revising barrister neglects or refuses to state case. 6 & 7 Vict. c. 18.

Costs of appeal.

38. The costs of an appellant against a decision of a revising barrister may, if the appeal is successful, be ordered by the court hearing the appeal to be paid by the clerk of the peace or town clerk named as respondent in the said appeal, whether he shall or shall not appear before the said court in support of the decision.

For enabling an appellant to obtain such an order he may at or before the time of making his declaration of appeal under section forty-two of the Parliamentary Registration Act, 1843, require the revising barrister to name the clerk of the peace for the county or the town clerk for the parliamentary borough or municipal borough, as the case may be, to which the appeal relates to be respondent in the appeal.

6 & 7 Vict. c. 18. s. 42.

The revising barrister if so required shall, and in any case may, name such clerk of the peace or town clerk, as the case may be, to be respondent in an appeal, either alone or in addition to any other person referred to in section forty-three of the Parliamentary Registration Act, 1843.

6 & 7 Vict. c. 18. s. 43.

The expenses properly incurred by a clerk of the peace or town clerk as respondent, including any costs which he may be ordered to pay to the appellant in any such appeal, shall be allowed to him as part of the expenses incurred by him in respect of the revision of the list to which the appeal relates. The term "expenses" in this section shall include all matters mentioned in section thirty-one of the Representation of the People Act, 1867.

30 & 31 Vict. c. 102. s. 31.

The costs of an appeal against a decision of a revising barrister shall be in the discretion of the court hearing the appeal, subject, except as aforesaid, to the proviso contained in section seventy of the Parliamentary Registration Act, 1843.

6 & 7 Vict. c. 18. s. 70.

Power to make rules for proceedings at revision courts.

39. The authority having power to make rules for regulating the practice and procedure in Her Majesty's High Court of Justice may from time to time make, and when made alter and annul, rules for regulating the practice and procedure in the courts of revising barristers for the purposes of the Parliamentary Registration Acts and of this Act.

Rules to be laid before Parliament.

All rules made under this section shall be laid before each House of Parliament within forty days next after the same are made, if Parliament is then sitting, and if not, within forty days after the beginning of the then next sitting of Parliament, and if an address is presented to Her Majesty by either of the said Houses within the next subsequent forty days on which the said House shall have sat praying that any such rule be annulled, Her Majesty may by Order in Council annul the same, and any rule so annulled shall thenceforth be of no effect, but without prejudice to the validity of any proceedings in the meantime taken thereunder.

All such rules shall while in force have effect as if enacted in this Act.

Service of notices.

40. The provisions of section one hundred and one of the Parliamentary Electors Registration Act, 1843, as to the service of notices shall apply to the service of notices under this Act.

6 & 7 Vict. c. 18. s. 101.

The term "notice" in the Parliamentary Registration Acts and this Act shall include any document required to be sent or delivered.

Application of 35 & 36 Vict. c. 33. s. 13.

41. Section thirteen of the Ballot Act, 1872, shall, with respect to any municipal election, apply to non-compliance with any of the

provisions of or mistake or error in the use of any of the forms prescribed by the Municipal Elections Act, 1875. 38 & 39 Vict. c. 40.

42. Nothing in this Act shall affect any register of parliamentary voters or burgess roll in force at the commencement of this Act. Saving for existing registers and burgess rolls.

43. Nothing in this Act shall affect the provisions contained in section seventy-eight of the Reform Act, 1832. Saving for 2 & 3 W. 4. c. 45. s. 78.

SCHEDULE. Sect. 8, 24.

Form (A.)

Form of Precept of the Town Clerk or other Officer issuing the Precept to the Overseers of any Parish situate wholly or partly in a Parliamentary Borough, or in a Municipal Borough the whole or part of the Area of which is co-extensive with or included in the Area of a Parliamentary Borough.

† Parliamentary borough of † / * Municipal borough of * to wit. — To the overseers of the poor of the parish of [*or* township of]

Omit part between crosses if no part of parish is in a Parliamentary borough. Omit part between asterisks if no part of parish is in a municipal borough.

In pursuance of the provisions of the Parliamentary and Municipal Registration Act, 1878, and the Acts therein referred to, I require your attention to the following:

Instructions.

On or before the Twentieth day of June you are to publish a notice [*or* notices], signed by you according to the form marked B. among the printed forms herewith sent. *Note.*—Form B. in this Schedule must be sent.

The manner in which you are required to publish that notice is as follows; (that is to say,) you are to fix one of the printed copies (each copy being first signed by you), on or near the outside of the outer door or of the outer wall near the door of every church and public chapel in your parish [*or* township], including chapels which do not belong to the Established Church, and also in some public and conspicuous position on or near every post office or telegraph office occupied by or on behalf of Her Majesty's Postmaster General, and every public or municipal or parochial office in your parish [*or* township], or if there is no such church, chapel, or office, then in some public situation in your parish [*or* township], and it must remain there during a period including two Sundays at the least.

Where any poor rate was on the First day of June due from an occupier in respect of any premises capable of conferring the franchise for the said †Parliamentary *or† municipal* borough, you are on or before the Twentieth day of June to give to that occupier a notice in the form marked C. sent herewith, by delivering it to the occupier, or leaving it at his last or usual place of abode, or with some person on the premises in respect of which the rate is payable, and in case no such person can be found, then by affixing the notice upon some conspicuous part of such premises. You need not give this notice if the rate has been previously duly demanded by a demand note served in the like manner as the last-mentioned notice. *Note.*—Form C. in this Schedule must be sent. Omit part between crosses if no part of parish is in a Parliamentary borough. Omit part between asterisks if no part of parish is in a municipal borough.

On or before the Twenty-second day of July next you are to make out a list containing the name and place of abode of every person who has not paid on or before the Twentieth day of the same month When a borough rate is levied as a separate rate and not as part of the poor rate, the precept

all poor rates which have become due from him in respect of any premises within your parish [*or* township] before the Fifth day of January last, and you are to keep that list to be perused by any person gratis at any time between 10 a.m. and 4 p.m. on any day, except Sunday, during the first fourteen days after the said Twenty-second day of July.

should be altered accordingly so as to contain a reference to the borough rate.

On or before the last day of July you are to make out a list of all persons †entitled under any right conferred by the Reform Act, 1832 (2 & 3 Will. 4. c. 45.), or by section three of the Representation of the People Act, 1867, to be registered as Parliamentary voters to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the occupation of property situate wholly or partly within your parish [*or* township], *or† entitled to be enrolled as burgesses of the municipal borough of in respect of the occupation of property situate wholly or partly within your parish [*or* township].*

Omit part between crosses if no part of parish is in a Parliamentary borough.

Omit part between asterisks if no part of parish is in a municipal borough.

Omit part between asterisks if no part of parish is in a municipal borough, or if no part of parish is in a Parliamentary borough.

*This list is to be made out in three divisions:

Division One is to comprise the names of the persons entitled both to be registered as Parliamentary voters under a right conferred as aforesaid, and to be enrolled as burgesses.

Division Two is to comprise the names of the persons entitled to be registered as Parliamentary voters under a right conferred as aforesaid, but not to be enrolled as burgesses.

Division Three is to comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as Parliamentary voters under a right conferred as aforesaid.*

Omit part between crosses if no part of parish is in a Parliamentary borough.

†On or before the last day of July you are also to make out a list of all persons who are entitled within your parish [*or* township] to be registered as Parliamentary voters to vote at the election of a member [*or* members] to serve in Parliament for the said Parliamentary borough in respect of any other right than a right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867 (except as freemen or as lodgers).

On or before the last day of July you are also to make out a list of all persons who being on the register of voters now in force for the said Parliamentary borough in respect of residence in lodgings within your parish [*or* township] have duly claimed, on or before the Twenty-fifth day of July, to have their names inserted in the lists of Parliamentary voters for the said borough in respect of residence in the same lodgings.†

Note.—The appropriate form must be sent.

These lists are [*or* this list is] to be in the Form D. (*or, as the case may be*, E. *or* F.) sent herewith.

Omit part between asterisks if no part of parish is in a municipal borough, but unless it is omitted, send Form G.

*On or before the last day of July you are also to make out a list (in the Form G. sent herewith) of all persons who are entitled, in respect of the occupation of property within your parish [*or* township], to be elected councillors or aldermen of the said municipal borough, but who are not entitled to be on the burgess roll thereof.*

Note.—A printed copy of the directions in the Schedule for the guidance of overseers in making out the lists must be enclosed.

In making out each of these lists you will follow the directions of which a copy is enclosed.

On or before the First day of August you are to sign and publish written or printed copies of these lists, in the same manner as before mentioned with respect to the notice.

Omit part between crosses if no part of parish is in a Parliamentary borough.

You are to keep a copy of these lists signed by you, †and also a copy of the list of defaulters in payment of assessed taxes sent to you by the collector of taxes,† to be open to public inspection at any time between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of any day, except Sunday, during the first fourteen

days after the publication of the said lists, and to deliver copies of any such lists to any person on payment of a price for each copy after the rate contained in the table marked "Parliamentary Registration Act, 1843, Schedule (D.), No. 1," sent herewith.

Note.—A printed copy of the Table No. 1. in Schedule (D.) to the Parliamentary Registration Act, 1843, 6 & 7 Vict. c. 18., must be enclosed.

You are to make out lists according to the forms marked K. sent herewith, containing the names of every person who has given or caused to be given to you, or any one of you, on or before the Twenty-fifth day of August, notice of his claim to have his name inserted in any list of voters, making separate lists of—

Note.—Forms marked K. and L. must be sent.

(1.) Persons claiming to be entered in the lists of Parliamentary voters otherwise than as freemen or lodgers; and

(2.) Persons claiming to be entered in the lists of Parliamentary voters as lodgers who are not comprised in the above-mentioned list of lodger voters; *and

(3.) Persons claiming to be entered in the burgess lists.*

Omit part between asterisks if no part of parish is in a municipal borough.

You are also to make out lists according to the forms marked L. sent herewith, containing the names of every person against whom a notice of objection has been given to you, or any of you, on or before the Twenty-fifth day of August, as not being entitled to have his name retained in any list for your parish [*or* township], giving in separate lists the objections made to—

(1.) Any person on the list of Parliamentary voters other than the above-mentioned list of lodger voters:

(2.) Any person on the above-mentioned list of lodger voters:

(3.) Any person on the burgess list.

Omit part between asterisks if no part of parish is in a municipal borough

On or before the Twenty-ninth day of August you are to deliver to me copies of the lists so respectively made out and signed by you as aforesaid.

On or before the First day of September you are to sign and publish each of the lists of claimants and persons objected to in the same manner as before mentioned with respect to the notice.

You are to keep a copy of each of the lists of claimants and persons objected to, signed by you, and these copies, and also the original notices of claims and of objections, are to be open to public inspection at any time between the hours of ten of the clock in the forenoon and four of the clock in the afternoon of any day, except Sunday, during the first Fourteen days of September, and you are to deliver copies of each of these lists to any person on payment of a price for each copy after the rate contained in the table marked "Parliamentary Registration Act, 1843, Schedule (D.), No. 1," sent herewith.

If you find any such notice, list, or other document published by you as aforesaid to be destroyed, mutilated, effaced, or removed, you are forthwith to place another in its room to the same effect.

You are to attend at the court to be holden for the revision of the said lists, of the time of holding which notice will be given; and at the opening of the court you are there to deliver to the barrister before whom the same is holden the several lists made out and signed by you, and the original notices of claims and of objections given to you.

Herein if you fail you will be liable to the penalties in that case provided.

If the officer issuing precept is not the town clerk of a municipal borough, he should append to his signature his proper official description.

Dated the day of 18 .

(Signed) *A.B.*,

Town Clerk of the Municipal Borough of .

FORM B.

NOTICE to be Published by the OVERSEERS in a PARLIAMENTARY BOROUGH.

Parliamentary borough of
to wit. } We hereby give notice that no person will be entitled to have his name inserted in any list of Parliamentary voters for the Parliamentary borough of , now about to be made in respect of the occupation of any property situate wholly or partly within this parish [*or* township], unless he pays on or before the Twentieth day of July all the poor rates which have become due from him in respect of those premises up to the Fifth day of January last past; or to have his name inserted in any such list under any right conferred by the Reform Act, 1832, in respect of the occupation of any property situate as aforesaid, unless he pays on or before the Twentieth day of July all assessed taxes which have become due from him in respect of those premises up to the Fifth day of January last past; and all persons who omit to make such payments will be incapable of being upon the next register of Parliamentary voters for this borough in respect of those premises.

Dated the day of June 18 .

(Signed) *A.B.*, *C.D.* } Overseers of the Parish [*or* township] of .

NOTICE to be Published by the OVERSEERS in a MUNICIPAL BOROUGH.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

Municipal borough of
to wit. } We hereby give notice that no person will be entitled to have his name inserted in any list of burgesses of the municipal borough of , now about to be made in respect of the occupation of any property situate wholly or partly within this parish [*or* township], unless he pays on or before the Twentieth day of July all poor rates and borough rates (if any) which have become due from him in respect of those premises up to the Fifth day of January last past; and all persons who omit to make such payment will be incapable of being upon the next burgess roll for this borough in respect of those premises.

Dated the day of June 18 .

(Signed) *A.B.*, *C.D.* } Overseers of the Parish [*or* township] of .

Note.—Where a parish is situate within both a Parliamentary borough and a municipal borough, both the above notices must be issued.

FORM (C.)

Note.—This form is to be used in every Parliamentary borough, but only in a municipal borough the whole or part of the area of which is co-extensive with or included in the area of a Parliamentary borough.
If no part of the parish is in a Parliamentary borough the parts between crosses are to be omitted.
If no part of the parish is in a municipal borough, the parts between asterisks are to be omitted.
Where a borough rate is levied as *place*],

To *A.B.*
† Parliamentary borough of †
* Municipal borough of *

Take notice that you will not be entitled to have your name inserted †in the list of Parliamentary voters for the Parliamentary borough of * or † in the burgess lists for the municipal borough of * now about to be made in respect of the premises in your occupation in [*street or* unless you pay on or before the Twentieth day of July

next all the poor rates * (including borough rates, if any) * due from you in respect of those premises up to the Fifth day of January last, amounting to £ , and if you omit to make such payment you will be incapable of being on the next † register of Parliamentary voters for the said Parliamentary borough* or† burgess roll for the said municipal borough.*

a separate rate and not as part of the poor rate, the form should be altered accordingly, so as to distinguish the borough rate from the poor rate, and to state that omission to pay the borough rate will disqualify for enrolment as a burgess.

Dated the day of June 18 .

(Signed) *C.D.* } Overseers.
E.F. }

or

G.H., Assistant Overseer,

or

I.K., Collector

of the Parish [*or* Township] of .

Form (D.)

Form of Lists of Parliamentary Voters and Burgesses for a Parish wholly or partly situate both in a Parliamentary Borough and in a Municipal Borough.

No. 1.—List of

† The persons entitled under any right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867, to be registered as Parliamentary voters to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the occupation of property situate wholly or partly within this parish [*or* township],* and † the persons entitled to be enrolled as burgesses for the municipal borough of , in respect of the occupation of property situate wholly or partly within this parish [*or* township] *.

N.B.—This list (No. 1) does not contain the names of any Parliamentary voters except those entitled under some right conferred by the Reform Act, 1832, or by Section 3 of the Representation of the People Act, 1867.

Division One. Persons entitled both to be Registered as Parliamentary Voters under a right conferred as aforesaid, and to be Enrolled as Burgesses.

1. Names of Voters in full, Surname being First.	2. Place of Abode.	3. Nature of Qualification.	4. Name and Situation of Qualifying Property.
Abrahams, Samuel -	4, Brick Street	House (joint)	4, Brick Street.
Brown, Thomas -	4, Brick Street	Shop -	4, Brick Street.
Masters, Abel -	1, Brick Street	House -	1, Brick Street.
Smith, William -	Wood Villa, Gainsborough.	Building -	2, Brick Street.

Division Two. Persons entitled to be Registered as Parliamentary Voters under a right conferred as aforesaid, but not to be Enrolled as Burgesses.

Names of Voters in full, Surname being First.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.
Adams, John -	24, Duke St.	House -	7, Brick Street.
Stubbs, Thomas -	10, High St.	Shop -	4, Brick Street.

Division Three. Persons entitled to be Enrolled as Burgesses, but not to be Registered as Parliamentary Voters under a right conferred as aforesaid.

Names of Voters in full, Surname being First.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.
Gardener, Mary Thompson, Henry	10, Brick Street 14, John Street	House Warehouse	10, Brick Street. 3, Brick Street.

(Signed) *A.B.* } Overseers of the Parish [*or* Township] of
C.D. }

No. 2.—LIST OF

The persons entitled to be registered as Parliamentary voters to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of any other right than a right conferred by the Reform Act, 1832, or by section three of the Representation of the People Act, 1867 (except as freemen or as lodgers).

Names of Voters in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property (if any).
Smith, John	15, Brick Street	Inhabitant householder, paying scot and lot.	

(Signed) *A.B.* } Overseers of the Parish [*or* Township] of
C.D. }

No. 3.—LIST OF

The persons who being on the register of voters now in force for the Parliamentary borough of in respect of residence in lodgings within the parish [*or* township] of claim, in respect of residence in the same lodgings, to have their names inserted in the list of persons entitled to vote in the election of a member [*or* members] to serve in Parliament for the said borough.

Names of Claimants in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number, if any, of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.	Objections by Overseers.

(Signed) *A.B.* } Overseers of the Parish [*or* Township] of
C.D. }

Form (E.)

Form of List of Parliamentary Voters for a Parish wholly or partly situate in a Parliamentary Borough, but not in a Municipal Borough.

This form is to be the same as Form D., omitting from List No. 1 the parts between asterisks, and omitting the words "*Division One. Persons entitled, &c.,*" forming the heading of Division One, and omitting Divisions Two and Three.

Form (F.)

Form of List of Burgesses for a Parish wholly or partly situate in a Municipal Borough, but not in a Parliamentary Borough.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

This form is to be the same as Form D., No. 1, omitting the parts between crosses, and omitting the words "*Division One. Persons entitled, &c.,*" forming the heading of Division One, and omitting Divisions Two and Three.

Form (G.)

Form of List of Occupiers in any Parish entitled to be elected Councillors or Aldermen of a Municipal Borough, though not entitled to be on the Burgess Roll of that Borough.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

List of the persons who are entitled to be elected councillors or aldermen of the municipal borough of in respect of the occupation within the parish [*or* township] of of any property, but who are not entitled to be on the Burgess Roll of that borough.

1. Name of Persons in full, Surname being first.	2. Place of Abode.	3. Nature of Qualification.	4. Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } township] of .

Form (H.)

Form of Notice of Claim.

No. 1.—Parliamentary (General).

To the overseers of the parish [*or* township] of
I claim to have my name inserted in the list made by you of per-

sons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the qualification named below.

Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*

No. 2.—PARLIAMENTARY (Lodgers).

To the overseers of the parish [*or* township] of

I claim to have my name inserted in the list of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of in respect of the qualification named below.

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.
Stevens, John William.	Two rooms, first floor, furnished.	51, Brick Street	16*s.* a week	William Johnson, High Street.

I hereby declare that I have during the twelve calendar months immediately preceding the Fifteenth day of July in this year occupied as sole tenant [*or* as joint tenant with], and resided in the above-mentioned lodgings, and that those lodgings are of a clear yearly value, if let unfurnished, of ten [*or* twenty] pounds or upwards †and I hereby declare that I am on the register of Parliamentary voters for the said Parliamentary borough in respect of the same lodgings as above mentioned, and I desire to have my name inserted in the list of lodger voters published on or before the first day of August.†

Omit the words between crosses if they are not applicable.

Dated the day of 18 .

(Signed) *A.B.* (the Claimant).

I, the undersigned, hereby declare that I have witnessed the above signature of the above-named [*here state name of claimant*], at the date stated above, and that I believe the above claim to be correct.

Dated the day of 18 .

(Signed) *C.D.*, of

[*state residence and calling of witness.*]

Note.—If the claim is in respect of different rooms successively occupied as lodgings in the same house, the notice of claim must specify each room, or set of rooms, so occupied. If the claimant is on the register in respect of the same lodgings, and desires to have

his name inserted in the list of lodger voters published on or before the First day of August, he must send in his claim on or before the Twenty-fifth day of July. In any other case he must send it in after the last day of July, and on or before the Twenty-fifth day of August. If there are two joint lodgers, the yearly value of the lodgings must be twenty pounds or upwards.

No. 3.—Municipal.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

To the overseers of the parish [*or* township] of
I claim to have my name inserted in the list made by you of burgesses of the municipal borough of in respect of the qualification named below.
Dated the day of 18 .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.*

Form (I.)

Form of Notice of Objection.

No. 1 (Parliamentary).

Notice of Objection to be given to Overseers.

To the overseers of the parish [*or* township] of
I hereby give you notice that I object to the name of being retained on the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .
Dated the day of 18 .
(Signed) *A.B.* [*place of abode*]
on the List of Parliamentary voters for the parish of .

No. 2 (Parliamentary).

Notice of Objection to be given to Person objected to.

To Mr.
I hereby give you notice that I object to your name being retained on the lists of persons entitled to vote at the election of members [*or* a member] to serve in Parliament for the Parliamentary borough of , on the following grounds, viz. :—
1. *e.g.*, that you have not occupied for twelve months to July 15th.
2. That
3.
Dated the day of 18 .
(Signed) *A.B.*, of [*place of abode*], on the List of Parliamentary voters for the parish of .

Note.—If there is more than one list of Parliamentary voters, the notice of objection in each of the above two cases, Nos. 1 and 2, should specify the list to which the objection refers, and if the list

referred to is made out in divisions, the notice of objection should specify the division to which the objection refers; and if the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

No. 3 (MUNICIPAL).

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

NOTICE of OBJECTION to be given to OVERSEERS.

To the overseers of the parish [*or* township] of

I hereby give you notice that I object to the name of being retained on the list of burgesses of the municipal borough of .

Dated the day of 18 .

(Signed) *A.B.*, of [*place of abode*], on the List of Burgesses for the parish of .

No. 4 (MUNICIPAL).

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in the area of a Parliamentary borough.

NOTICE of OBJECTION to be given to PERSON objected to.

To Mr.

I hereby give you notice that I object to your name being retained on the lists of burgesses of the municipal borough of , on the following grounds, viz.:—

1. *e.g.*, that you have not occupied for twelve months to July 15th.
2. That
3.

Dated the day of 18 .

(Signed) *A.B.*, of [*place of abode*], on the List of Burgesses for the parish of .

Note.—If there is more than one burgess list the notice of objection in each of the above two cases, Nos. 3 and 4, should specify the list to which the objection refers, and if the list is made out in divisions, the notice of objection should specify the division to which the objection refers; and if the list contains two or more persons of the same name, the notice should distinguish the person intended to be objected to.

FORM (K.)

FORM of LIST of CLAIMANTS to be Published by the Overseers.

No. 1.—GENERAL LIST of CLAIMANTS (PARLIAMENTARY).

The following persons claim otherwise than as lodgers to have their names inserted in the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 2.—List of Lodger Claimants (Parliamentary).

The following persons claim as lodgers to have their names inserted in the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Claimant in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

No. 3.—List of Claimants (Municipal).

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in a Parliamentary borough.

The following persons claim to have their names inserted in the Burgess Roll for the municipal borough of .

Name of Claimant in full, Surname being first.	Place of Abode.	Nature of Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

Form (L.)

Form of List of Persons Objected to to be Published by the Overseers.

No. 1.—List of Persons objected to (Parliamentary).

The following persons have been objected to as not being entitled to have their names retained on the lists of persons entitled to vote at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of

No. 2.—LIST of LODGERS objected to (PARLIAMENTARY).

The following persons have been objected to as not being entitled to have their names retained on the list of persons entitled to vote in respect of residence in lodgings at the election of a member [*or* members] to serve in Parliament for the Parliamentary borough of .

Name of Person objected to in full, Surname being first.	Description of Rooms occupied, and whether Furnished or not.	Street, Lane, or other Place, and Number (if any) of House in which Lodgings are situate.	Amount of Rent paid.	Name and Address of Landlord or other Person to whom Rent is paid.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of .

Note.—This form applies only to lodgers on the list of lodger claimants who claimed on or before the Twenty-fifth day of July, and were then on the register in respect of the same lodgings, and who are objected to. The list of such lodgers should form a separate list from that of other persons objected to.

Note.—This form is to be used only where the whole or part of the area of the municipal borough is co-extensive with or included in a Parliamentary borough.

No. 3.—LIST of PERSONS objected to (MUNICIPAL).

The following persons have been objected to as not being entitled to have their names retained on the Burgess Lists for the municipal borough of .

Name of Person objected to in full, Surname being first.	Place of Abode.	Nature of the supposed Qualification.	Name and Situation of Qualifying Property.

(Signed) *A.B.* } Overseers of the Parish [*or*
C.D. } Township] of

FORM (M.)

DECLARATION for correcting misdescription in List.

I, of No. in the parish of in the Parliamentary borough of , and in the municipal borough of [*as the case may be*], do solemnly and sincerely declare as follows :—

1. I am the person referred to in Division of the List of Parliamentary Voters and Burgesses made out in Divisions

[or in the list of] (*specifying the particular list*) made out for the parish of , by an entry as follows:—

Name as described in List.	Place of Abode as described in List.	Nature of Qualification as described in List.	Name and Situation of Qualifying Property.
Brown, John - -	High Street -	Shop - -	2, Shire Lane.

2. My correct name and place of abode, and the correct particulars respecting my qualification, are, and ought to be stated for the purposes of the Register about to be made up of voters for the Parliamentary borough of , and the Burgess Roll about to be made up of burgesses for the municipal borough of (*as the case may be*), as follows:—

Correct Name.	Correct Place of Abode.	Correct nature of Qualification.	Correct Name and Situation of Qualifying Property.
Brown, Joseph -	15, High Street	House - -	24, Shire Lane.

Dated this day of 18 .

(Signed)

Made and subscribed before me this day of 18 .

A.B.,
Justice of the Peace for .

The person before whom the declaration is made should affix his official description.

FORM (N.)

NOTICE of WITHDRAWAL of OBJECTION.

No. 1.—NOTICE to the PERSON objected to.

The list should be referred to in the manner prescribed for the notice of objection.

To Mr.

I hereby give you notice that I withdraw my objection to your name being retained on the list of † so far as regards the ground of objection numbered in my notice to you of such objection.†

Omit the words between crosses if the objection is wholly withdrawn.

Dated the day of 18 .

(Signed)

The notice should be signed in the manner prescribed for the notice of objection.

No. 2.—NOTICE to the TOWN CLERK.

The list should be referred to in the manner prescribed for the notice of objection.

To the Town Clerk of

I hereby give you notice that I withdraw my objection to the name of being retained on the list of † so far as regards the ground of objection numbered in my notice to him of such objection.†

Omit the words between crosses if the objection is wholly withdrawn.

Dated the day of 18 .

(Signed)

The notice should be signed in the manner prescribed for the notice of objection.

FORM (O.)

NOTICE of REVIVING an OBJECTION.

No. 1.—NOTICE to the PERSON objected to.

The list should be referred to in the manner prescribed for the notice of objection.

To Mr.

I hereby give you notice that I revive the objection which was made by , since deceased, to your name being retained on the list of

Omit the words between crosses if the objection is wholly revived.

† so far as regards the ground of objection numbered in the notice to you of such objection.†

The notice should be signed in the manner prescribed for the notice of objection.

Dated the day of 18 .

(Signed)

No. 2.—NOTICE to the TOWN CLERK.

The list should be referred to in the manner prescribed for the notice of objection.

To the Town Clerk of

I hereby give you notice that I revive the objection which was made by , since deceased, to the name of being retained on the list of

Omit the words between crosses if the objection is wholly revived.

† so far as regards the ground of objection numbered in the notice to the person objected to of such objection.†

The notice should be signed in the manner prescribed for the notice of objection.

Dated the day of 18 .

(Signed)

NOTE (P.)

DIRECTIONS for the Guidance of OVERSEERS in making out the Lists.

The following directions should be observed by overseers in making out the lists of Parliamentary voters and burgesses, and also the lists of claimants and persons objected to as Parliamentary voters and burgesses.

(1.) The surname and other name or names of each person are to be written at full length, the surname being placed first.

Note.—If the local authority has given any special directions as to the mode of making out the list, the town clerk, or other officer issuing the precepts, must modify direction (2) accordingly.

(2.) Each list, and where the list is made out in divisions, each division of each list should be made out in alphabetical order.

(3.) The place of abode should be entered with the name of the street, lane, or other locality, and the number in such street, lane, or other locality of such place of abode, where there is any such name or number, and should be entered in all cases in such a manner as will afford a full and sufficient address for a person entered if a letter is addressed to him by post.

(4.) The nature of the qualification should be entered as nearly as possible in the words of the statute conferring the franchise, for instance:—

(*a.*) The nature of the qualification of a person under the Reform Act, 1832 (2 & 3 Will. 4. c. 45), or under the Municipal Corporation Acts, should be stated thus: "house," or in the case of a joint occupation, "house (joint)," or "warehouse," "counting-house," "shop," or "building," or in the manner provided by the Parliamentary and Municipal Registration Act, 1878, as the case may be:

(*b.*) The nature of the qualification of a person under section 3 of the Representation of the People Act, 1867, should be stated thus, "dwelling-house."

(5.) The name and situation of the qualifying property, if the qualification is in respect of property, should be entered with the name of the street, lane, or other locality, and the number in such street, lane, or other locality of such property, where there is any

such name or number, and should be entered in all cases in such a manner as will afford full and sufficient means of identifying such property.

(6.) Where several qualifications are possessed by the same person, the particulars respecting each qualification should be stated in the list; and in the case of a list made out in divisions, where a person is entered in Division 1 in respect of one qualification for Parliamentary purposes, and in respect of another qualification for municipal purposes, each such qualification should be distinguished in the list by a note to the effect that the qualification is for Parliamentary purposes only, or for municipal purposes only, as the case may be.

(7.) In making out the list of lodger claimants who claim on or before the Twenty-fifth day of July, and are then on the register in respect of the same lodgings, if you have reason to believe that any person whose name is entered on that list is dead, or is not entitled to vote, you should make a note to that effect in the last column of the list, being the column headed "Objections by overseers."

(8.) You should omit from any list of Parliamentary voters or burgesses the name of any person who appears from the returns furnished by the registrar of births and deaths to be dead, and the name of any person who is ascertained to be disqualified for being inserted in the list by reason of having received parochial relief or other alms.

Note (Q.)

Directions for Guidance in the formation of the Parliamentary Register and Burgess Roll.

In copying and printing Divisions 1 and 2 for the Parliamentary Register, and Divisions 1 and 3 for the Burgess Roll, of any revised list made out in divisions under this Act, the two divisions in each set may, and, if and so far as the local authority under the Act shall so direct, shall be combined or kept separate, and be arranged according to convenience for use in parts for polling districts or wards, and where the polling districts and wards are not conterminous in such manner that the parts may be conveniently compiled or put together to serve either as lists for polling districts or as ward lists; and the names may, and, if and so far as the said local authority shall so direct, shall be distinguished by a number either alone, or in combination with a letter or other distinguishing mark according to the parts, and any arrangement may, and, if and so far as the said local authority shall so direct, shall be adopted according to convenience, so that one print or edition of Division 1 may be available for both sets.

Each entry for voting on the Parliamentary register of every Parliamentary borough, and on the burgess roll of every municipal borough whose burgess lists are revised under this Act, is to be distinguished by a number, either alone or in combination with a letter or distinguishing mark.

Any entry of a person not entitled to vote in respect of the qualification therein contained, he being on the list for voting in respect of another qualification, is to be denoted by an asterisk in the manner provided by section forty-seven of the Parliamentary Registration Act, 1843, with respect to similar entries in the registers for counties.

The officer having the custody of any revised lists under this Act shall permit access thereto for the purpose of the same being copied for the Parliamentary register of the Parliamentary borough, and for the Burgess Roll of any municipal borough to which such revised lists relate.

CHAPTER 27.

An Act to amend the Supreme Court of Judicature Act (Ireland), 1877. [22d July 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Constitution of commissions of assize.

1. Her Majesty may include in any commission of assize, and oyer and terminer, and gaol delivery in Ireland, any judge of the High Court of Justice in Ireland; provided that no judge of the Chancery or Probate Divisions appointed before the first day of January one thousand eight hundred and seventy-five shall be so included without his own consent.

Short title.

2. This Act may be cited as the Supreme Court of Judicature Act (Ireland), 1877, Amendment Act, 1878.

CHAPTER 28.

An Act to further amend the Law of Entail in Scotland. [22d July 1878.]

WHEREAS it is expedient further to amend the law of entail in Scotland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Obligations to tenants for improvements to devolve on the heir, to the relief of the executor.

38 & 39 Vict. c. 61.

1. All obligations undertaken, whether prior or subsequent to the passing of this Act, by an institute or heir in possession of an entailed estate in Scotland, in any lease granted by him as proprietor of such estate, or in any agreement with reference to such lease, for the execution by the proprietor, or with reference to the execution by the tenant, of any improvements of the description contained in the third section of the Entail Amendment (Scotland) Act, 1875, shall, in case of his death after the passing of this Act, and before complete fulfilment of such obligations, and to the extent to which, if he had himself made and paid for said improvements and had survived till payment is actually made, he would have been entitled to charge them upon the estate (if the estate had been an entailed estate under the said Act), devolve upon the heirs succeeding to the estate after him, who shall in their order be bound to relieve his executors, or other personal representatives, of such obligations, so far as unfulfilled, and to repay to such executors, or other personal representatives, any sums of money which they may be called upon to pay and may have paid in virtue of such obligations: Provided that this enactment shall not apply to any case in which the granter of the obligation has in express terms, either in the obligation itself or in any separate writing, declared his intention to impose the obligation upon his executors to the relief of his heirs of entail.

Liabilities under other contracts for improvements

2. The heirs succeeding to such institute or heir in possession as aforesaid shall in like manner as above provided be bound, unless otherwise expressly directed by him, to relieve to the extent afore-

said his executors, or other personal representatives, of all liabilities which he may have undertaken in any contracts or agreements for or with reference to the execution of improvements of the description aforesaid on the mansion-house and offices of the entailed estate, or any other parts of the estate not under lease, and to repay to the extent aforesaid to such executors or other personal representatives any sums of money which they may be called upon to pay and may have paid in virtue of such contracts or agreements. to devolve on heir.

3. The provisions of the seventh, eighth, ninth, tenth, and eleventh sections of the Entail Amendment (Scotland) Act, 1875, shall be applicable to entailed estates in Scotland holden under tailzies dated on or after the first day of August one thousand eight hundred and forty-eight, subject to the provision following; (that is to say,) Part of 38 & 39 Vict. c. 61. to apply to entails dated on or after 1 Aug. 1848.

The provisions of the seventh and eighth sections of the said Act shall be applicable only in regard to improvements executed after the date of the application to the Court in terms of the said Act.

4. The provisions of the seventh, eighth, and eleventh sections of the Entail Amendment (Scotland) Act, 1875, as amended by this Act, shall be applicable to moneys paid by an institute or heir of entail under the provisions of this Act in respect of improvements on the entailed estate. Part of 38 & 39 Vict. c. 61. to apply to expenditure under this Act.

5. This Act shall be read and construed as one with the Entail Amendment (Scotland) Act, 1875. Construction of Act.

6. This Act may be cited for all purposes as the Entail Amendment (Scotland) Act, 1878. Short title.

CHAPTER 29.

An Act for conferring powers upon the Metropolitan Board of Works with respect to the Obelisk known as Cleopatra's Needle, and other Monuments. [22d July 1878.]

WHEREAS the Thames Embankments called the Victoria, Albert, and Chelsea Embankments, and other lands, are vested in the Metropolitan Board of Works, and subject to their control and management for the benefit of the public:

And whereas it would be to the advantage of the Metropolis that facilities should be afforded for the maintenance of the obelisk known by the name of Cleopatra's Needle upon the Victoria Embankment, and that other powers should be conferred as in this Act provided with respect to the preservation of monuments, statues, and other works of art from time to time upon any of the said embankments and lands:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Monuments (Metropolis) Act, 1878. Short title of Act.

2. In this Act the following terms shall have the meanings herein-after assigned to them. Interpretation.

The term "the Board" shall mean the Metropolitan Board of Works:

The term "the obelisk" shall mean the obelisk known as Cleopatra's Needle:

The term "monument" shall include any monument, statue, or other work.

Obelisk placed under care of the Board.

3. When the obelisk has been erected on the Victoria Embankment, the same shall thereupon be under the care and control of the Board, and the Board shall preserve and maintain the same for the benefit of the public, and the Board may erect in connexion therewith any appropriate works of art.

Penalties for injuring obelisk or monuments.

4. Any person who injures or disfigures the obelisk, or any monument erected or to be erected on any of the said embankments or lands, or who posts any bill or placard, or who writes, cuts, prints, draws, or marks in any manner any word or character, or any representation of any object, on the obelisk or such monument, shall for every such offence forfeit and pay to the Board a penalty not exceeding five pounds, to be recovered in the manner provided by the Metropolis Management Act, 1855, and the Acts amending the same, with respect to the recovery of penalties by summary proceedings.

18 & 19 Vict. c. 120.

Expenses of execution of Act.

5. All expenses incurred by the Board in respect of this Act, and in execution by them of this Act, shall be deemed to be expenses incurred by them in the execution of the Metropolis Management Act, 1855, and shall be raised and paid accordingly.

CHAPTER 30.

An Act to alter the time of electing Commissioners under the General Police and Improvement (Scotland) Act, 1862. [22d July 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.
25 & 26 Vict. c. 101.

1. This Act may be cited as the General Police and Improvement (Scotland) Amendment Act, 1878, and shall be construed as one with the General Police and Improvement (Scotland) Act, 1862, and any Acts amending the same.

Repeal of ss. 50 and 51 of 25 & 26 Vict. c. 101.

2. Sections fifty and fifty-one of the principal Act are hereby repealed, and in lieu thereof the provisions contained in the two following sections of this Act shall have effect in regard to the election and rotation of Commissioners under the principal Act.

One third of Commissioners to be elected annually.

3. One third of the Commissioners, or where the burgh is divided into wards one third of the Commissioners for each ward, shall, save as herein-after provided, go annually out of office on the first Tuesday of November in each year, and on the first Tuesday of November annually the places of the Commissioners going out of office shall be supplied by an equal number of new Commissioners, to be elected from among the householders of the burgh under all the rules, regulations, and provisions now in force applicable to a

first election under the principal Act, and the like notice of such annual election shall be given as is in the principal Act directed to be given of such first election of Commissioners: Provided always, that where the first election of Commissioners under the principal Act shall take place on or after the first day of May in any year no Commissioner shall go out of office and no second election of Commissioners shall take place until the first Tuesday of November in the year succeeding that in which the first election took place: Provided also, that no Commissioner or magistrate of police in office at the passing of this Act shall go out of office until the first Tuesday of November following.

Rotation of Commissioners.

4. The third of the Commissioners who shall go out of office at the second election of Commissioners under the principal Act as amended by this Act shall consist of the Commissioners who at the first election under the principal Act had the smallest number of votes, and where the burgh is divided into wards of the Commissioners who at the said first election in each ward had the smallest number of votes in such ward; and the Commissioners who shall go out of office at the third election of Commissioners under the principal Act as amended by this Act shall consist of the Commissioners who at the first election had the next smallest number of votes, and where the burgh is divided into wards of the Commissioners who at the said first election in each ward had the next smallest number of votes in such ward; and thereafter the third of the Commissioners who shall annually go out of office shall consist of the Commissioners who have been longest in office: Provided always, that in any case where Commissioners shall have been elected without a poll or where there shall have been an equality of votes the Commissioners shall decide at a meeting convened for the purpose which Commissioners elected without a poll or having an equality of votes shall go out of office: Provided also, that the senior magistrate of police shall always remain in office for three years after his election as such senior magistrate, and for that purpose he shall be held to have had the largest number of votes at the said first election, and to have been the shortest period in office at all elections subsequent to the third election under the principal Act as amended by this Act.

CHAPTER 31.

An Act to consolidate and amend the Law for preventing Frauds upon Creditors by secret Bills of Sale of Personal Chattels. [22d July 1878.]

WHEREAS it is expedient to consolidate and amend the law relating to bills of sale of personal chattels:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Bills of Sale Act, 1878.

Commencement.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act.

Application of Act.

3. This Act shall apply to every bill of sale executed on or after the first day of January one thousand eight hundred and seventy-nine (whether the same be absolute, or subject or not subject to any trust) whereby the holder or grantee has power, either with or without notice, and either immediately or at any future time, to seize or take possession of any personal chattels comprised in or made subject to such bill of sale.

Interpretation of terms.

4. In this Act the following words and expressions shall have the meanings in this section assigned to them respectively, unless there be something in the subject or context repugnant to such construction; (that is to say,)

The expression "bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, inventories of goods with receipt thereto attached, or receipts for purchase moneys of goods, and other assurances of personal chattels, and also powers of attorney, authorities, or licenses to take possession of personal chattels as security for any debt, and also any agreement, whether intended or not to be followed by the execution of any other instrument, by which a right in equity to any personal chattels, or to any charge or security thereon, shall be conferred, but shall not include the following documents; that is to say, assignments for the benefit of the creditors of the person making or giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfers of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, warehouse-keepers certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorising or purporting to authorise, either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented:

The expression "personal chattels" shall mean goods, furniture, and other articles capable of complete transfer by delivery, and (when separately assigned or charged) fixtures and growing crops, but shall not include chattel interests in real estate, nor fixtures (except trade machinery as herein-after defined), when assigned together with a freehold or leasehold interest in any land or building to which they are affixed, nor growing crops when assigned together with any interest in the land on which they grow, nor shares or interests in the stock, funds, or securities of any government, or in the capital or property of incorporated or joint stock companies, nor choses in action, nor any stock or produce upon any farm or lands which by virtue of any covenant or agreement or of the custom of the country ought not to be removed from any farm where the same are at the time of making or giving of such bill of sale:

Personal chattels shall be deemed to be in the "apparent possession" of the person making or giving a bill of sale, so long

as they remain or are in or upon any house, mill, warehouse, building, works, yard, land, or other premises occupied by him, or are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person:

"Prescribed" means prescribed by rules made under the provisions of this Act.

Application of Act to trade machinery.

5. From and after the commencement of this Act trade machinery shall, for the purposes of this Act, be deemed to be personal chattels, and any mode of disposition of trade machinery by the owner thereof which would be a bill of sale as to any other personal chattels shall be deemed to be a bill of sale within the meaning of this Act.

For the purposes of this Act—

"Trade machinery" means the machinery used in or attached to any factory or workshop;

1st. Exclusive of the fixed motive-powers, such as the water-wheels and steam engines, and the steam-boilers, donkey engines, and other fixed appurtenances of the said motive-powers; and,

2nd. Exclusive of the fixed power machinery, such as the shafts, wheels, drums, and their fixed appurtenances, which transmit the action of the motive-powers to the other machinery, fixed and loose; and,

3rd. Exclusive of the pipes for steam, gas, and water in the factory or workshop.

The machinery or effects excluded by this section from the definition of trade machinery shall not be deemed to be personal chattels within the meaning of this Act.

"Factory or workshop" means any premises on which any manual labour is exercised by way of trade, or for purposes of gain, in or incidental to the following purposes or any of them; that is to say,

(*a.*) In or incidental to the making any article or part of an article; or

(*b.*) In or incidental to the altering, repairing, ornamenting, finishing, of any article; or

(*c.*) In or incidental to the adapting for sale any article.

Certain instruments giving powers of distress to be subject to this Act.

6. Every attornment, instrument, or agreement, not being a mining lease, whereby a power of distress is given or agreed to be given by any person to any other person by way of security for any present, future, or contingent debt or advance, and whereby any rent is reserved or made payable as a mode of providing for the payment of interest on such debt or advance, or otherwise for the purpose of such security only, shall be deemed to be a bill of sale, within the meaning of this Act, of any personal chattels which may be seized or taken under such power of distress.

Provided, that nothing in this section shall extend to any mortgage of any estate or interest in any land, tenement, or hereditament which the mortgagee, being in possession, shall have demised to the mortgagor as his tenant at a fair and reasonable rent.

Fixtures or growing crops not to be deemed separately assigned when the land passes by the same instrument.

7. No fixtures or growing crops shall be deemed, under this Act, to be separately assigned or charged by reason only that they are assigned by separate words, or that power is given to sever them from the land or building to which they are affixed, or from the land on which they grow, without otherwise taking possession of or dealing with such land or building, or land, if by the same instrument any freehold or leasehold interest in the land or building to which such fixtures are affixed, or in the land on which such crops grow, is also conveyed or assigned to the same persons or person.

The same rule of construction shall be applied to all deeds or instruments, including fixtures or growing crops, executed before the commencement of this Act, and then subsisting and in force, in all questions arising under any bankruptcy, liquidation, assignment for the benefit of creditors, or execution of any process of any court, which shall take place or be issued after the commencement of this Act.

Avoidance of unregistered bill of sale in certain cases.

8. Every bill of sale to which this Act applies shall be duly attested and shall be registered under this Act, within seven days after the making or giving thereof, and shall set forth the consideration for which such bill of sale was given, otherwise such bill of sale, as against all trustees or assignees of the estate of the person whose chattels, or any of them, are comprised in such bill of sale under the law relating to bankruptcy or liquidation, or under any assignment for the benefit of the creditors of such person, and also as against all sheriffs officers and other persons seizing any chattels comprised in such bill of sale, in the execution of any process of any court authorising the seizure of the chattels of the person by whom or of whose chattels such bill has been made, and also as against every person on whose behalf such process shall have been issued, shall be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in such bill of sale which, at or after the time of filing the petition for bankruptcy or liquidation, or of the execution of such assignment, or of executing such process (as the case may be), and after the expiration of such seven days are in the possession or apparent possession of the person making such bill of sale (or of any person against whom the process has issued under or in the execution of which such bill has been made or given, as the case may be).

Avoidance of certain duplicate bills of sale.

9. Where a subsequent bill of sale is executed within or on the expiration of seven days after the execution of a prior unregistered bill of sale, and comprises all or any part of the personal chattels comprised in such prior bill of sale, then, if such subsequent bill of sale is given as a security for the same debt as is secured by the prior bill of sale, or for any part of such debt, it shall, to the extent to which it is a security for the same debt or part thereof, and so far as respects the personal chattels or part thereof comprised in the prior bill, be absolutely void, unless it is proved to the satisfaction of the court having cognizance of the case that the subsequent bill of sale was bonâ fide given for the purpose of correcting some material error in the prior bill of sale, and not for the purpose of evading this Act.

Mode of registering bills of sale.

10. A bill of sale shall be attested and registered under this Act in the following manner:

(1.) The execution of every bill of sale shall be attested by a solicitor of the Supreme Court, and the attestation shall state that before the execution of the bill of sale the effect thereof has been explained to the grantor by the attesting solicitor:

(2.) Such bill, with every schedule or inventory thereto annexed or therein referred to, and also a true copy of such bill and of every such schedule or inventory, and of every attestation of the execution of such bill of sale, together with an affidavit of the time of such bill of sale being made or given, and of its due execution and attestation, and a description of the residence and occupation of the person making or giving the same (or in case the same is made or given by any person under or in the execution of any process, then a description of the residence and occupation of the person against whom such process issued), and of every attesting witness to such bill of sale, shall be presented to and the said copy and affidavit shall be filed with the registrar within seven clear days after the making or giving of such bill of sale, in like manner as a warrant of attorney in any personal action given by a trader is now by law required to be filed:

(3.) If the bill of sale is made or given subject to any defeasance or condition, or declaration of trust not contained in the body thereof, such defeasance, condition, or declaration shall be deemed to be part of the bill, and shall be written on the same paper or parchment therewith before the registration, and shall be truly set forth in the copy filed under this Act therewith and as part thereof, otherwise the registration shall be void.

In case two or more bills of sale are given, comprising in whole or in part any of the same chattels, they shall have priority in the order of the date of their registration respectively as regards such chattels.

A transfer or assignment of a registered bill of sale need not be registered.

Renewal of registration.

11. The registration of a bill of sale, whether executed before or after the commencement of this Act, must be renewed once at least every five years, and if a period of five years elapses from the registration or renewed registration of a bill of sale without a renewal or further renewal (as the case may be), the registration shall become void.

The renewal of a registration shall be effected by filing with the registrar an affidavit stating the date of the bill of sale and of the last registration thereof, and the names, residences, and occupations of the parties thereto as stated therein, and that the bill of sale is still a subsisting security.

Every such affidavit may be in the form set forth in the Schedule (A.) to this Act annexed.

A renewal of registration shall not become necessary by reason only of a transfer or assignment of a bill of sale.

Form of register.

12. The registrar shall keep a book (in this Act called "the register") for the purposes of this Act, and shall, upon the filing of any bill of sale or copy under this Act, enter therein in the form set forth in the second schedule (B.) to this Act annexed, or in any other prescribed form, the name, residence, and occupation of the person by whom the bill was made or given (or in case the same was made or given by any person under or in the execution of process, then the name, residence, and occupation of the person against whom such process was issued, and also the name of the person or persons to whom or in whose favour the bill was given), and the other particulars shown in the said schedule or to be prescribed under this Act, and shall number all such bills registered in each year consecutively, according to the respective dates of their registration.

Upon the registration of any affidavit of renewal the like entry shall be made, with the addition of the date and number of the last previous entry relating to the same bill, and the bill of sale or copy originally filed shall be thereupon marked with the number affixed to such affidavit of renewal.

The registrar shall also keep an index of the names of the grantors of registered bills of sale with reference to entries in the register of the bills of sale given by each such grantor.

Such index shall be arranged in divisions corresponding with the letters of the alphabet, so that all grantors whose surnames begin with the same letter (and no others) shall be comprised in one division, but the arrangement within each such division need not be strictly alphabetical.

The registrar.

13. The masters of the Supreme Court of Judicature attached to the Queen's Bench Division of the High Court of Justice, or such other officers as may for the time being be assigned for this purpose under the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, shall be the registrar for the purposes of this Act, and any one of the said masters may perform all or any of the duties of the registrar.

36 & 37 Vict. c. 66.
38 & 39 Vict. c. 77.

Rectification of register.

14. Any judge of the High Court of Justice on being satisfied that the omission to register a bill of sale or an affidavit of renewal thereof within the time prescribed by this Act, or the omission or mis-statement of the name, residence, or occupation of any person, was accidental or due to inadvertence, may in his discretion order such omission or mis-statement to be rectified by the insertion in the register of the true name, residence, or occupation, or by extending the time for such registration on such terms and conditions (if any) as to security, notice by advertisement or otherwise, or as to any other matter, as he thinks fit to direct.

Entry of satisfaction.

15. Subject to and in accordance with any rules to be made under and for the purposes of this Act, the registrar may order a memorandum of satisfaction to be written upon any registered copy of a bill of sale, upon the prescribed evidence being given that the debt (if any) for which such bill of sale was made or given has been satisfied or discharged.

Copies may be taken, &c.

16. Any person shall be entitled to have an office copy or extract of any registered bill of sale, and affidavit of execution filed therewith, or copy thereof, and of any affidavit filed therewith, if any, or registered affidavit of renewal, upon paying for the same at the like

rate as for office copies of judgments of the High Court of Justice, and any copy of a registered bill of sale, and affidavit purporting to be an office copy thereof, shall in all courts and before all arbitrators or other persons, be admitted as primâ facie evidence thereof, and of the fact and date of registration as shown thereon. Any person shall be entitled at all reasonable times to search the register and every registered bill of sale, upon payment of one shilling for every copy of a bill of sale inspected; such payment shall be made by a judicature stamp.

Affidavits.

17. Every affidavit required by or for the purposes of this Act may be sworn before a master of any division of the High Court of Justice, or before any commissioner empowered to take affidavits in the Supreme Court of Judicature.

Whoever wilfully makes or uses any false affidavit for the purposes of this Act shall be deemed guilty of wilful and corrupt perjury.

Fees.

18. There shall be paid and received in common law stamps the following fees, viz.:

On filing a bill of sale - - - - -	2*s*.
On filing the affidavit of execution of a bill of sale -	2*s*.
On the affidavit used for the purpose of re-registering a bill of sale (to include the fee for filing) - -	5*s*.

Collection of fees under 38 & 39 Vict. c. 77. s. 26.

19. Section twenty-six of the Supreme Court of Judicature Act, 1875, and any enactments for the time being in force amending or substituted for that section, shall apply to fees under this Act, and an order under that section may, if need be, be made in relation to such fees accordingly.

Order and disposition.

32 & 33 Vict. c. 71.

20. Chattels comprised in a bill of sale which has been and continues to be duly registered under this Act shall not be deemed to be in the possession, order, or disposition of the grantor of the bill of sale within the meaning of the Bankruptcy Act, 1869.

Rules.

36 & 37 Vict. c. 66.

38 & 39 Vict. c. 77.

21. Rules for the purposes of this Act may be made and altered from time to time by the like persons and in the like manner in which rules and regulations may be made under and for the purposes of the Supreme Court of Judicature Acts, 1873 and 1875.

Time for registration.

22. When the time for registering a bill of sale expires on a Sunday, or other day on which the registrar's office is closed, the registration shall be valid if made on the next following day on which the office is open.

Repeal of Acts.

17 & 18 Vict. c. 36.

29 & 30 Vict. c. 96.

23. From and after the commencement of this Act, the Bills of Sale Act, 1854, and the Bills of Sale Act, 1866, shall be repealed: Provided that (except as is herein expressly mentioned with respect to construction and with respect to renewal of registration) nothing in this Act shall affect any bill of sale executed before the commencement of this Act, and as regards bills of sale so executed the Acts hereby repealed shall continue in force.

Any renewal after the commencement of this Act of the registration of a bill of sale executed before the commencement of this Act, and registered under the Acts hereby repealed, shall be made under this Act in the same manner as the renewal of a registration made under this Act.

Extent of Act.

24. This Act shall not extend to Scotland or to Ireland.

SCHEDULES.

SCHEDULE A.

Section 11.

I [*A.B.*] of do swear that a bill of sale, bearing date the day of 18 [*insert the date of the bill*], and made between [*insert the names and descriptions of the parties in the original bill of sale*], and which said bill of sale [*or*, and a copy of which said bill of sale, *as the case may be*] was registered on the day of 18 [*insert date of registration*], is still a subsisting security.

Sworn, *&c.*

SCHEDULE B.

Section 12.

Satisfaction entered.	No.	By whom given (or against whom process issued).			To whom given.	Nature of instrument.	Date.	Date of registration.	Date of registration of affidavit of renewal.
		Name.	Residence.	Occupation.					

CHAPTER 32.

An Act to amend the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and the Acts amending the same respectively. [22d July 1878.]

WHEREAS the provisions of the several Acts now in force within the Metropolis are insufficient for duly regulating the erection and extension of houses and buildings in close proximity to certain roads, passages, and ways, and it is expedient that for such purpose further and better provisions should be made:

And whereas with a view to protect the public frequenting theatres and music halls within the Metropolis from danger from fire it is expedient that provisions such as are in this Act contained should be made for empowering the Metropolitan Board of Works (in this Act referred to as "the Board") to cause alterations in existing theatres and music halls to be made in certain cases, and to make regulations with respect to the position and structure of new theatres and certain new music halls:

And whereas it is expedient to make provisions with respect to the making, filling up, and preparation of the foundations and sites of houses and buildings to be erected within the Metropolis, and with respect to the quality of the substances to be used in the formation or construction of the sites, foundations, and walls of such houses and buildings with a view to the stability of the same, the prevention of fires, and for purposes of health:

And whereas it is expedient to make further and better provisions with respect to the payment of expenses incurred by the Board in relation to dangerous structures:

And whereas for the purposes aforesaid it is expedient to amend the Metropolis Management Act, 1855, the Metropolitan Building Act, 1855, and the Acts amending the same respectively: 18 & 19 Vict. c. 120. 18 & 19 Vict. c. 122.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Preliminary.

1. This Act may be cited for all purposes as the Metropolis Management and Building Acts Amendment Act, 1878. Short title.

2. This Act shall extend and apply to the Metropolis as defined by the Metropolis Management Act, 1855. Limits of Act. 18 & 19 Vict. c. 120.

3. This Act shall consist of three parts. Division of Act into three parts.

PART I.

4. In this part of this Act— Interpretation.

The term "roadway" in relation to any road, passage, or way shall mean the whole space open for traffic, whether carriage traffic and foot traffic or foot traffic only: "Roadway."

The term "centre of the roadway" in relation to any road, passage, or way existing at the time of the passing of this Act or thereafter formed shall mean the centre of the roadway of such road, passage, or way as existing immediately before the time when first after the passing of this Act or the formation of the same any house or building fronting towards or abutting upon such road, passage, or way was begun to be constructed or extended: "Centre of the roadway."

The term "the prescribed distance" shall mean twenty feet from the centre of the roadway where such roadway is used for the purpose of carriage traffic, and ten feet from the centre of the roadway where such roadway is used for the purposes of foot traffic only. "The prescribed distance."

5. The Metropolis Management Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act: Provided always, that nothing in this Act shall be held to limit or restrict the powers now vested in the Commissioners of Sewers of the city of London, or in any body or person elsewhere within the Metropolis, by an Act passed in the session of Parliament held in the fifty-seventh year of the reign of King George the Third, intituled "An Act for better paving, improving, and regulating the "streets of the Metropolis and removing and preventing nuisances "and obstructions therein." Metropolis Management Acts and this part of Act to be construed as one Act. 18 & 19 Vict. c. 120. 57 G. 3. c. xxix.

6. From and after the passing of this Act no house or building begun to be constructed after the passing of this Act shall be constructed or begun to be constructed, and no house or building shall be extended or begun to be extended, in such manner that the external wall or front of any such house or building, or, if there be a forecourt or other space left in front of any such house or building, As to erection of houses or buildings at less than prescribed distance from centre of roads, passages, or

ways being highways.

the external fence or boundary of such forecourt or other space, shall be at a distance less than the prescribed distance from the centre of the roadway of any road, passage, or way, whether a thoroughfare or not, being a highway, without the consent in writing of the Board: Provided always, that the Board may, in any case where they think it expedient, consent to the construction, formation, or extension of any house, building, forecourt, or space at a distance less than the prescribed distance from the centre of the roadway of any such road, passage, or way, and at such distance from the centre of such roadway, and subject to such conditions and terms (if any) as they may think proper to sanction.

In every case where any such house, building, forecourt, or space is constructed, formed, or extended, or is begun to be constructed, formed, or extended, in contravention of the provisions of this section, at a distance from the centre of the roadway of any such road, passage, or way as aforesaid less than the prescribed distance, or than such other distance as may have been sanctioned by the Board, or contrary to the conditions and terms (if any) subject to which such sanction was obtained, the Board may serve a notice upon the owner or occupier of the said house, building, forecourt, or space, or upon the builder or person engaged in constructing, forming, or extending the same, requiring him to comply with the provisions of this section, and to cause such house, building, forecourt, or space, or any part thereof, to be set back so that the external wall of such house or building, or the external fence or boundary of such forecourt or space, shall be at a distance not less than the prescribed distance from the centre of the roadway of such road, passage, or way as aforesaid, or at such distance and according to such conditions and terms (if any) as the Board may have sanctioned.

Provided always, that the preceding provisions of this section shall not affect the construction or extension of any house or building within the limits of any area which may have been lawfully occupied by any house or building at any time within two years before the passing of this Act, or the construction or extension of any house or building lawfully in course of construction or extension at the time of the passing of this Act; and provided also, that the construction or extension of any house or building in or abutting upon any street existing, formed, or laid out for building at the time of the passing of this Act may be begun and completed in like manner in every respect as if the preceding provisions of this section had not been made.

As to erection of houses or buildings at less than prescribed distance from centre of roads, passages, or ways not being highways.

7. Where after the passing of this Act any house or building begun to be constructed after the passing of this Act is constructed or is begun to be constructed, or any house or building is extended or begun to be extended, in such manner that the external wall or front of any such house or building, or, if there be a forecourt or other space left in the front of any such house or building, the external fence or boundary of such forecourt or space, is at a distance from the centre of the roadway of any road, passage, or way (not being a highway) less than the prescribed distance or less than such other distance as may have been sanctioned by the Board as hereinafter provided, or where, in relation to any such house, building, or

forecourt, or space constructed, formed, or extended at such less distance than the prescribed distance with the sanction of the Board as aforesaid, the conditions or terms, if any, subject to which such sanction was obtained have not been complied with, or the time during which such sanction was limited to continue has expired, then and in every such case, where it is intended that such road, passage, or way shall become a highway, a written notice to that effect shall be served upon the Board, and thereupon the Board may at any time within two months after the receipt of such notice serve a notice upon the owner or occupier of such house, building, forecourt, or space, or the builder or person engaged in constructing, forming, or extending the same, requiring him to cause the same, or any part thereof, to be set back so that the external wall or front of such house or building, or the external fence or boundary of such forecourt or space, shall be at a distance not less than the prescribed distance from the centre of the roadway of such road, passage, or way, or at such distance and according to such conditions and terms (if any) as the Board may have sanctioned, and unless and until such first-mentioned notice has been given to the Board and such last-mentioned notice (if any) has been complied with, such road, passage, or way shall not become a highway.

The Board may consent to the construction, formation, or extension of any house, building, forecourt, or space at any lesser distance than the prescribed distance from the centre of the roadway of any such road, passage, or way (not being a highway) as aforesaid, to be specified in such consent, or to the continuance of any house, building, forecourt, or space constructed, formed, or extended at such lesser distance, or to the continuance thereof for a limited time only, to be specified in such consent, in such cases and subject to such terms and conditions (if any) as they may think proper.

Provided always, that the preceding provisions of this section shall not affect the construction or extension of any house or building within the limits of any area which may have been lawfully occupied by any house or building at any time within two years before the passing of this Act, or the construction or extension of any house or building lawfully in course of construction or extension at the time of the passing of this Act.

Proceedings in case of default in compliance with requirements of notice.

8. In case any owner, occupier, builder, or person during twenty-eight days after the service of any notice under the preceding provisions of this part of this Act neglects or refuses to comply with the requirements of such notice, or after the expiration of such period fails to carry out or complete the works necessary for such compliance with all reasonable despatch, the Board may cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons, requiring such owner, occupier, builder, or person to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice shall make an order in writing on such owner, occupier, builder, or person directing him to comply with the requirements of such notice within such time as such justice may consider reasonable, and such justice shall also make an order for the payment of the costs

incurred up to the time of hearing, and of hearing; and in case such owner, occupier, builder, or person makes default in complying with the requirements of such notice within the time limited by such order, he shall be liable to a penalty of not less than forty shillings and not more than five pounds, and to a further penalty of not less than ten shillings and not more than forty shillings for each day during which such default continues after the first day after the expiration of the time limited by such order for compliance with the requirements of such notice: Provided always, that this section shall not apply to any noncompliance with the notice of the Board in the case of an intended highway where the same shall not be opened as a highway.

Streets, roads, &c. formed for foot traffic not to be used without consent of Board for carriage traffic unless widened.

9. No street, road, passage, or way (being a highway) formed or laid out for foot traffic only after the passing of this Act shall, except with the consent of the Board, be used for the purposes of carriage traffic, unless the space open for foot traffic and carriage traffic be of the full width of forty feet where there are houses or buildings on each side thereof, or, where there are houses or buildings only on one side thereof, unless there be a distance of not less than twenty feet from the centre of the space open for foot traffic and carriage traffic and the external walls or fronts of such houses or buildings, or, if there be forecourts or other spaces left in front of such houses or buildings, the external fences or boundaries of such forecourts or other spaces; and in case any person alters any such street, road, passage, or way, so that it may be used for any traffic other than foot traffic, contrary to the provisions of this section, or takes up or removes any post, bar, rail, flagstone, or knowingly does any act, matter, or thing to facilitate the use of the same for traffic other than foot traffic, contrary to the provisions of this section, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Streets, roads, &c. formed for foot traffic before passing of Act not to be used without consent of justice for carriage traffic unless widened.

10. No street, road, passage, or way (being a highway) formed or laid out for foot traffic only before the passing of this Act shall be used for the purposes of carriage traffic for any longer period than seven consecutive days without the consent of a justice, unless the space open for foot traffic and carriage traffic be of the full width of forty feet where there are houses or buildings on each side thereof, or where there are houses or buildings only on one side thereof, unless there be a distance of not less than twenty feet from the centre of the space open for foot traffic and carriage traffic and the external walls or fronts of such houses or buildings, or, if there be forecourts or other spaces left in front of such houses or buildings, the external fences or boundaries of such forecourts or other spaces, and any justice may grant such consent as aforesaid or may do so subject to such terms and conditions as he may think fit; provided that twenty-eight days previous notice of any such application to a justice shall be served upon the Board, and the Board may appear at the time and place fixed for hearing such application and be heard thereon. In case any person alters any such street, road, passage, or way, so that it may be used for any traffic other than foot traffic, contrary to the provisions of this section, or to any conditions imposed by any such justice as aforesaid, or takes up or removes any post, bar, rail, flagstone, or know-

ingly does any act, matter, or thing to facilitate the use of the same for traffic other than foot traffic, contrary to the provisions of this section, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to Board in certain cases to require proprietors of theatres and certain music halls in use at the time of the passing of this Act to remedy structural defects.

11. Whenever it appears to the Board that any house or other place of public resort within the Metropolis which was at the time of the passing of this Act authorised to be kept open for the public performance of stage plays, and which is kept open for such purpose, under the authority of letters patent from Her Majesty, her heirs and successors or predecessors, or of a license granted by the Lord Chamberlain of Her Majesty's Household for the time being, or by justices of the peace, or that any house, room, or other place of public resort within the Metropolis, containing a superficial area for the accommodation of the public of not less than five hundred square feet, which was at the time of the passing of this Act authorised to be kept open, and which is kept open, for dancing, music, or other public entertainment of the like kind, under the authority of a license granted by any court of quarter sessions, is so defective in its structure that special danger from fire may result to the public frequenting the same, then and in every such case the Board may, with the consent of the Lord Chamberlain in the case of theatres under his jurisdiction, and of Her Majesty's Principal Secretary of State in all other cases, if in the opinion of the Board such structural defects can be remedied at a moderate expenditure, by notice in writing require the owner of such house, room, or other place kept open for any of the purposes aforesaid, under such authority as aforesaid, to make such alterations therein or thereto as may be necessary to remedy such defects, within a reasonable time to be specified in such notice; and in case such owner fails to comply with the requirements of such notice within such reasonable time as aforesaid, he shall be liable to a penalty not exceeding fifty pounds for such default, and to a further penalty of five pounds for every day after the first day after the expiration of such reasonable time as aforesaid during which such default continues: Provided always, that any such owner may, within fourteen days after the receipt of any such notice as aforesaid, serve notice of appeal against the same upon the Board, and thereupon such appeal shall be referred to an arbitrator to be appointed by Her Majesty's First Commissioner of Works at the request of either party, who shall hear and determine the same, and may, on such evidence as he may think satisfactory, either confirm the notice served by the Board, or may confirm the same with such modifications as he may think proper, or refuse to confirm the same, and the decision of such arbitrator with respect to the requirements contained in any such notice, and the reasonableness of the same, and the persons by whom and the proportions in which the costs of such arbitration are to be paid, shall be final and conclusive and binding upon all parties.

In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

Power to Board to make regulations with respect to new theatres and certain new music halls for protection from fire.

12. The Board may from time to time make, alter, vary, and amend such regulations as they may think expedient with respect to the requirements for the protection from fire of houses or other places of public resort within the Metropolis to be kept open for the public performance of stage plays, and of houses, rooms, or other places of public resort within the Metropolis containing a superficial area for the accommodation of the public of not less than five hundred square feet, to be kept open for public dancing, music, or other public entertainment of the like kind, under the authority of letters patent from Her Majesty, her heirs or successors, or of licenses by the Lord Chamberlain of Her Majesty's Household, or by any justices of the peace, or by any court of quarter sessions, which may be granted for the first time after the passing of this Act; and may by such regulations prescribe the requirements as to position and structure of such houses, rooms, or places of public resort which may, in the opinion of the Board, be necessary for the protection of all persons who may frequent the same against dangers from fires which may arise therein or in the neighbourhood thereof; provided that the Board may from time to time in any special case dispense with or modify such regulations, or may annex thereto conditions if they think it necessary or expedient so to do.

The Board shall, after the making, altering, varying, or amending of any such regulations, cause the same to be printed, with the date thereof, and a printed copy thereof shall be kept at the office of the Board, and all persons may at all reasonable times inspect such copy without payment, and the Board shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment by such person of any sum not exceeding five shillings for every such copy.

A printed copy of such regulations, dated and authenticated by the seal of the Board, shall be conclusive evidence of the existence and of the due making of the same in all proceedings under the same, without adducing proof of such seal or of the fact of such making.

From and after the making of any such regulations it shall not be lawful for any person to have or keep open any such house, room, or other place of public resort for any of the purposes aforesaid, unless and until the Board grant to such person a certificate in writing under their seal, to the effect that such house, room, or other place was on its completion in accordance with the regulations made by the Board in pursuance of the provisions of this Act for the time being in force, and in so far as the same are applicable to such house or other place, and to the conditions (if any) annexed thereto by the Board.

In case any such house, room, or place of public resort is opened or kept open by any person for any of the purposes aforesaid, contrary to the provisions of this enactment, such person shall be liable to a penalty not exceeding fifty pounds for every day on which such house or place of public resort is so kept open as aforesaid.

Provisional license for new premises.

13. A person interested in any premises about to be constructed, or in course of construction, which are designed to be licensed and

used within the Metropolis for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind, may apply to the licensing authority for the grant of a provisional license in respect of such premises. The grant of such provisional license shall, in respect of the discretion of the licensing authority and procedure, be subject to the same conditions as those applicable to the grant of a like license which is not provisional. A provisional license so granted shall not be of any force until it has been confirmed by the licensing authority; but the licensing authority shall confirm the same on the production by the applicant of a certificate by the Board that the construction of the premises has been completed in accordance with the regulations and conditions made by the Board as herein-before provided, and on being satisfied that no objection can be made to the character of the holder of such provisional license.

PART II.

Interpretation.

14. In this part of this Act—

"Foundations."

The term "foundations" shall mean the space immediately beneath the footings of a wall:

"Site."

The term "site" in relation to a house, building, or other erection shall mean the whole space to be occupied by such house, building, or other erection between the level of the bottom of the foundations and the level of the base of the walls.

18 & 19 Vict. c. 122., &c., and this part of this Act to be construed as one Act.

15. The Metropolitan Building Act, 1855, and the Acts amending the same, and this part of this Act shall be construed together as one Act.

Power to Board to make byelaws with respect to sites and foundations.

16. The Board may from time to time make, alter, vary, amend, and repeal such byelaws as they may think expedient with respect to the following matters; (that is to say,)

(1.) The foundations of houses, buildings, and other erections, and the sites of houses, buildings, and other erections to be constructed after the passing of this Act, and the mode in which and the materials with which such foundations and sites shall be made, formed, excavated, filled up, prepared, and completed for securing stability, the prevention of fires, and for purposes of health:

(2.) The description and quality of the substances of which walls are authorised to be constructed by section twelve of the Metropolitan Building Act, 1855, for securing stability, the prevention of fires, and for purposes of health:

18 & 19 Vict. c. 122. s. 12.

(3.) The duties of district surveyors in relation to such foundations and sites and substances, and for the guidance and control of such district surveyors in the exercise and discharge of such duties:

(4.) The regulation of the amounts of the fees to be paid to such district surveyors in respect of any duties imposed upon them by any such byelaws or by this Act.

The Board may further provide by any byelaw that in any case in which the Board think it expedient they may dispense with the observance of any byelaw made under the authority of this part of this Act, subject to such terms and conditions, if any, as they may think proper; and such terms and conditions may be enforced in

like manner in every respect as if the same had been enacted by such byelaw.

The Board may, subject as herein-after mentioned, further provide for the due observance of such byelaws by enacting therein such provisions as they think fit as to the deposit of plans and sections of public buildings, and buildings to which section fifty-six of the Metropolitan Building Act, 1855, applies, which shall be constructed after the passing of this Act, and as to inspection by the district surveyor or other officer of the Board of houses, buildings, and other erections to be constructed after the passing of this Act, and of the plans and sections relating thereto, and as to the power of the Board to cause the removal, alteration, or pulling down of any house, building, or other erection or work done or begun in contravention of any such byelaw, and by imposing such reasonable penalties as they think fit, not exceeding five pounds, for each breach of any such byelaw, and in case of a continuing offence a further penalty not exceeding forty shillings for each day after notice of such offence from the Board or district surveyor.

18 & 19 Vict. c. 122. s. 56.

Any byelaw made in pursuance of this section, and any alteration, variation, and amendment made therein, and any repeal of a byelaw, shall not be of any validity until it has been confirmed by one of Her Majesty's Principal Secretaries of State.

A byelaw made under this section shall not, nor shall any alteration, variation, or amendment therein or repeal thereof, be confirmed by one of Her Majesty's Principal Secretaries of State until the expiration of two months after a copy of the byelaw, together with notice of the intention to apply for confirmation of the same, has been published by the Board, once at least in each of two consecutive weeks, in two or more newspapers circulating in the Metropolis, and copies of such byelaw and notice have been delivered at the office of the Royal Institute of British Architects and of the Institution of Surveyors, and to such other societies and persons as such Principal Secretary of State may direct; and any person affected by any such proposed byelaw, or alteration, variation, or amendment in or repeal of any byelaw, may forward notice of his objection to such Secretary of State, who shall take the same into consideration.

18 & 19 Vict. c. 120. ss. 202, 203.

All the provisions contained in sections two hundred and two and two hundred and three of the Metropolis Management Act, 1855, as to the making, publication, and evidence of byelaws made by the Board under the authority of the said Act, and as to penalties for breach of the same, and the remission of such penalties, shall extend and apply to the making, publication, and evidence of byelaws made by the Board under the authority of this Act, and to penalties for breach of any such byelaws, and to the remission of such penalties.

Provisions as to buildings, &c. not erected on foundations or are as conformable with byelaws, &c.

17. In case any house, building, or other erection begun to be constructed after the passing of this Act is constructed or begun to be constructed upon any foundations or site or with any substances which have not been made, filled up, and prepared, or which are not in description and quality in accordance with the provisions of the byelaws relating thereto made under the authority of this Act, or in accordance with the terms and conditions subject to which the Board may have dispensed with the observance of

any such provisions, the district surveyor may forthwith, by notice to be served on the occupier of such house, building, or other erection, or on the builder, owner, or other person engaged in constructing any such house, building, or other erection as aforesaid, require him to alter, pull down, or remove such house, building, or other erection or any part thereof as he may think proper; and in case any such occupier, builder, owner, or other person, during twenty-eight days after the service of such notice, fails to comply with the requirements of such notice, he shall be liable to a penalty of not less than ten shillings and not more than forty shillings for every day from the time of the service of such notice as aforesaid until such house, building, or other erection, or such part thereof, is altered, pulled down, or removed in accordance with the terms of such notice, and every such penalty shall be in addition to any other penalty for breach of any byelaw.

Provided always, that, notwithstanding the imposition and recovery of any penalty, the Board at any time after default in compliance with the requirements of such notice, if they think proper, may cause complaint thereof to be made before a justice of the peace, who shall thereupon issue a summons requiring such occupier, builder, owner, or other person to appear at a time and place to be stated in the summons to answer such complaint, and if at the time and place appointed in such summons the said complaint is proved to the satisfaction of the justice before whom the same is heard, such justice may make an order in writing authorising the Board to enter and alter, pull down, or remove such house, building, or other erection, or any part thereof, and do whatever may be necessary for such purpose, and also to remove the materials of which the same was composed to a convenient place, and (unless the expenses of the Board be paid to them within fourteen days) subsequently sell the same as they think proper; and all expenses incurred in respect of such entering and altering, pulling down, or removing any such house, building, or other erection, and in disposing of the said materials, may be deducted by the Board out of the proceeds of such sale, and the balance, if any, shall be paid by the Board to the person entitled thereto; and in case such materials are not sold by the Board, or in case the proceeds of the sale of the same are insufficient to defray the expenses incurred by the Board as aforesaid, the Board may recover such expenses or such insufficiency from such occupier, builder, owner, or other person, together with all costs and expenses in respect thereof, in like manner as if the same were a penalty imposed by this Act.

Power to appeal.

18. Any person affected by any notice under the preceding provisions of this part of this Act may, within seven days after the service of the same, appeal to the Board.

All such appeals shall stand referred to the Committee of Appeal appointed by the Board under and in pursuance of section two hundred and twelve of the Metropolis Management Act, 1855, for hearing appeals, who may hear and determine the same, and may order the district surveyor, or any other surveyor, to inspect any foundations, site, house, building, or other erection, and may, on such evidence as they think satisfactory, either confirm the notice served by the district surveyor, or may confirm the same with such modifications as they think proper, or refuse to confirm the same.

18 & 19 Vict. c. 120. s. 212.

In case of an appeal against any such notice, compliance with the requirements of the same may be postponed until after the day upon which such appeal shall be so decided as aforesaid, and the same, if confirmed in whole or in part, shall only take effect as and from such day.

Amendment of s. 74 of 18 & 19 Vict. c. 122. with respect to sale of dangerous structures.

19. Where under the provisions of the Metropolitan Building Act, 1855, and the Acts amending the same, with respect to dangerous structures, any structure is sold for payment of the expenses incurred in respect thereof by the Board in manner prescribed by section seventy-four of the said Act, the person to whom the same is sold (herein-after referred to as "the purchaser"), his agents and servants, may enter upon the land whereon such structure is standing for the purpose of taking down the same and of removing the materials of which the same is constructed, and any person who refuses to admit the purchaser, his agents or servants, upon such land, or impedes him in removing such materials, shall be liable on conviction to a penalty not exceeding ten pounds, and to a further penalty of five pounds for every day after the first day during which such refusal continues.

Where the proceeds of the sale of any such structure under the said seventy-fourth section are insufficient to repay the Board the amount of the expenses incurred by them in respect of such structure, no part of the land whereon such structure stands or stood shall be built upon until after the balance due to the Board in respect of such structure shall have been paid to the Board.

Part II. of Act not to apply to city of London.

20. Provided always, that the provisions of Part II. of this Act shall not extend or apply to the city of London.

PART III.

Power for architect and persons authorised by Board, and district surveyor, to enter and inspect theatres, music halls, buildings, and works.

21. The architect of the Board, and any other person authorised by the Board in writing under their seal, may at all reasonable times after completion or during construction, enter and inspect any house, room, or other place kept open or intended to be kept open for the public performance of stage plays, or for public dancing, music, or other public entertainment of the like kind affected by any of the provisions of this Act, or of any regulations made in pursuance thereof; and the district surveyor of any district may at all reasonable times during the progress and the three months next after the completion of any house, building, erection, or work in such district affected by and not exempted from any of the provisions of this Act, or by any byelaw made in pursuance of this Act, or by any terms or conditions upon which the observance of any such provisions or any of such byelaws may have been dispensed with, enter and inspect such house, building, erection, or work; and if any person refuses to admit such architect, person, or surveyor, or to afford him all reasonable assistance in such inspection, in every such case the person so refusing shall incur for each offence a penalty not exceeding twenty pounds.

Power to owners, &c. to enter houses, &c. to comply with notices or order.

22. For the purpose of complying with the requirements of any notice or order served or made under the provisions of this Act on any owner, builder, or person in respect of any house, building, or other erection, room, or place, such owner, builder, or person, his servants, workmen, and agents, may, after giving seven days notice

in writing to the occupier of such house, building, or other erection, room, or place, and on production of such notice or order, enter such house, building, or other erection, room, or place, and do all such works, matters, and things therein or thereto, or in connexion therewith, as may be necessary; and if any person refuses to admit such owner, builder, or person, or his servants or workmen or agents, or to afford them all reasonable assistance, such person shall incur for each offence a penalty not exceeding twenty pounds.

Recovery of penalties.

23. Every penalty imposed by Part I. and Part III. of this Act may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolis Management Act, 1855, and the Acts amending the same; and every penalty imposed by Part II. of this Act, or by any byelaw made in pursuance thereof, may be recovered by summary proceedings before any justice in like manner and subject to the like right of appeal as if the same were a penalty recoverable by summary proceedings under the Metropolitan Building Act, 1855, and the Acts amending the same: Provided always, that in any proceedings against any person for more than one penalty in respect of one or more breach or breaches of any provision of this Act or of any byelaw made in pursuance of this Act, it shall be lawful to include in one summons all such penalties, and the charge for such summons shall not exceed two shillings.

18 & 19 Vict. c. 120.

18 & 19 Vict. c. 122.

Exceptions from Metropolis Management Acts extended to this Act.

24. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolis Management Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

18 & 19 Vict. c. 120.

Exceptions from Metropolitan Building Acts extended to this Act.

25. Her Majesty's royal palaces, and all buildings, works, and ground excepted from the operation of the Metropolitan Building Act, 1855, and the Acts amending the same, or of any of the said Acts, shall be excepted from the operation of the provisions of this Act which are to be construed with such Acts, and all exemptions from the provisions of any of the said Acts shall extend to such of the provisions of this Act as are to be construed as aforesaid with such Acts.

18 & 19 Vict. c. 122.

Act not to apply to the Inner and Middle Temple, &c.

26. Nothing in this Act, or in any byelaw of the Board thereunder, shall apply to the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn, Staple Inn, Furnival's Inn, or the close of the collegiate church of Saint Peter, Westminster.

Saving rights of the Crown and the Duchy of Lancaster.

27. Nothing contained in this Act, or in any byelaw thereunder made, shall apply to or shall authorise or empower the Board, or any vestry, district board, or district surveyor, to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights of whatsoever nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of her Crown, or in right of her Duchy of Lancaster, without the consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on

behalf of Her Majesty, in right of her Crown, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), or without the consent in like manner of the Chancellor of the said Duchy, on behalf of Her Majesty, in right of her said Duchy; neither shall anything contained in this Act, or in any byelaw thereunder made, extend to divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors, in right of her Crown, or in right of her said Duchy; and nothing contained in Part I. of this Act shall apply to the extension of Savoy Street or the bridge which the Chancellor and Council of the said Duchy are by the Metropolitan Board of Works (Various Powers) Act, 1875, empowered to make and construct, or to any house or building within the precinct of the Savoy, or upon the land mentioned in section six of the last-mentioned Act, constructed or extended after the passing of this Act, in or abutting upon any road, passage, or way existing, formed, or laid out at the time of the passing of this Act.

38 & 39 Vict. c. 65.

Amended by the Dentists Act 1921 (c. 21) and the Dentists Act 1923 (c. 36)

CHAPTER 33.

An Act to amend the Law relating to Dental Practitioners.

[22d July 1878.]

WHEREAS it is expedient that provision be made for the registration of persons specially qualified to practise as dentists in the United Kingdom, and that the law relating to persons practising as dentists be otherwise amended:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the Dentists Act, 1878.

Interpretation. 21 & 22 Vict. c. 90.

2. In this Act "General Council" means the General Council of Medical Education and Registration of the United Kingdom, established under the Medical Act, 1858; and "Branch Council" means a branch of the said council as constituted by the same Act:

"General registrar" means the person appointed to be the registrar by the General Council, and "local registrar" means the registrar appointed by a branch council under the Medical Act, 1858:

"British possession" means any part of Her Majesty's dominions exclusive of the United Kingdom:

"Medical authorities" means the bodies and universities who choose members of the General Council.

Registration.

Penalty on unregistered persons using title of "dentist," &c.

3. From and after the first day of August one thousand eight hundred and seventy-nine, a person shall not be entitled to take or use the name or title of "dentist" (either alone or in combination with any other word or words), or of "dental practitioner," or any

a dentist is not a 'person' as in the act - but it will be restrained from acting to the public by a name which implies registration, see A.G. v. Gregg, C. Sanders Ltd 1904 2 Ch 624

By the Dentists Act, 1878, s. 3, "A person shall not be entitled take or use the name or title of 'dentist' (either alone or in ubination with any other word or words), or of 'dental ctitioner,' or any name, title, addition, or description implying t he is registered under this Act or that he is a person specially lified to practise dentistry, unless he is registered under this t":—

Held, that the description forbidden by the section is a descrip- n of the person as distinguished from a description of the acts ne by the person, and that the section does not prohibit an registered person from announcing that he does dental work vided that he does not say that he does so as a dentist or use description of himself implying that he is specially qualified ractise as a dentist.

herefore, where certain unregistered persons became partners he business of the extraction and manipulation of teeth and of the three partners affixed to the partnership premises a ce containing the names of the partners followed by the words nest Artificial Teeth. Painless Extraction. Advice Free":— *Held*, that they had not committed an offence under s. 3 of the

Whether the words "specially qualified" in s. 3 are limited to statutory qualifications mentioned in s. 6 *quære*.

rnes v. *Brown*, [1909] 1 K. B. 38, overruled.

he principle of *Emslie* v. *Paterson*, (1897) 24 R. (Just. Cas.) 77, roved.

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Provision as to offence of unregistered person taking name, &c., and as to offence of person taking title he does not possess.

(*b.*) If he shows that he has been registered and continues to be entitled to be registered under this Act, but that his name has been erased on the ground only that he has ceased to practise.

(2.) A prosecution for such offence shall be instituted only as herein-after mentioned.

If a person takes or uses the designation of any qualification or certificate in relation to dentistry or dental surgery which he does not possess, he shall be liable, on summary conviction on such prosecution as herein-after mentioned, to a fine not exceeding twenty pounds.

A prosecution for any of the offences above in this Act mentioned shall not be instituted by a private person, except with the consent of the General Council or of a branch council, but may be instituted by the General Council, by a branch council, or by a medical authority, if such Council or authority think fit.

Privileges of registered persons.

5. A person registered under this Act shall be entitled to practise dentistry and dental surgery in any part of Her Majesty's dominions, and from and after the first day of August one thousand eight hundred and seventy-nine a person shall not be entitled to recover any fee or charge, in any court, for the performance of any dental operation or for any dental attendance or advice, unless he is registered under this Act or is a legally qualified medical practitioner.

Qualification necessary for registration.

6. Any person who—

(*a.*) Is a licentiate in dental surgery or dentistry of any of the medical authorities; or,

(*b.*) Is entitled as herein-after mentioned to be registered as a foreign or colonial dentist; or,

(*c.*) Is at the passing of this Act bonâ fide engaged in the practice of dentistry or dental surgery, either separately or in conjunction with the practice of medicine, surgery, or pharmacy,

shall be entitled to be registered under this Act.

Registration of persons in dentists register.

7. Where a person entitled to be registered under this Act produces or sends to the general registrar the document conferring or evidencing his licence or qualification, with a statement of his name and address, and the other particulars, if any, required for registration, and pays the registration fee, he shall be registered in the dentists register.

Provided that a person shall not be registered under this Act as having been at the passing thereof engaged in the practice of dentistry unless he produces or transmits to the registrar, before the first day of August one thousand eight hundred and seventy-nine, information of his name and address, and a declaration signed by him in the form in the schedule to this Act or to the like effect; and the registrar may, if he sees fit, require the truth of such declaration to be affirmed in manner provided by the Act of the session held in the fifth and sixth years of the reign of King William the Fourth, chapter sixty-two, intituled "An Act to repeal "an Act of the present session of Parliament, intituled 'An Act "'for the more effectual abolition of oaths and affirmations taken "'and made in various departments of the State, and to substitute "'declarations in lieu thereof, and for the more entire suppression "'of voluntary and extra-judicial oaths and affidavits;' and to "make other provisions for the abolition of unnecessary oaths."

5 & 6 W. 4. c. 62.

A person resident in the United Kingdom shall not be disqualified for being registered under this Act by reason that he is not a British subject; and a British subject shall not be disqualified for being registered under this Act by reason of his being resident or engaged in practice beyond the limits of the United Kingdom.

Registration of colonial dentist with recognised certificate.

8. Where a person who either is not domiciled in the United Kingdom, or has practised for more than ten years elsewhere than in the United Kingdom, or in the case of persons practising in the United Kingdom at the time of the passing of this Act for not less than ten years either in the United Kingdom or elsewhere, shows that he holds some recognised certificate (as herein-after defined) granted in a British possession, and that he is of good character, such person shall upon payment of the registration fee be entitled, without examination in the United Kingdom, to be registered as a colonial dentist in the dentists register.

Registration of foreign dentist with recognised certificate.

9. Where a person who is not a British subject, or who has practised for more that ten years elsewhere than in the United Kingdom, or in the case of persons practising in the United Kingdom at the time of the passing of this Act for not less than ten years either in the United Kingdom or elsewhere, shows that he obtained some recognised certificate (as herein-after defined) granted in a foreign country, and that he is of good character, and either continues to hold such certificate, or has not been deprived thereof for any cause which disqualifies him for being registered under this Act, such person shall upon payment of the registration fee be entitled, without examination in the United Kingdom, to be registered as a foreign dentist in the dentists register.

Recognised certificates of colonial and foreign dentist.

10. The certificate granted in a British possession or in a foreign country, which is to be deemed such a recognised certificate as is required for the purposes of this Act, shall be such certificate, diploma, membership, degree, licence, letters, testimonial, or other

title, status, or document as may be recognised for the time being by the General Council as entitling the holder thereof to practise dentistry or dental surgery in such possession or country, and as furnishing sufficient guarantees of the possession of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery.

If a person is refused registration as a colonial dentist or as a foreign dentist, the general registrar shall, if required by him, state in writing the reason for such refusal, and if such reason be that the certificate held or obtained by him is not such a recognised certificate as above defined, such person may appeal to the Privy Council, and the Privy Council, after hearing the General Council, may dismiss the appeal or may order the General Council to recognise such certificate, and such order shall be duly obeyed.

Contents and form of dentists register, and other provisions as to register.

11. (1.) A register shall be kept by the general registrar to be styled the dentists register; and that register shall—

(*a.*) Contain in one alphabetical list all United Kingdom dentists, that is to say, all persons who are registered under this Act as having been at the passing thereof engaged in the practice of dentistry or dental surgery, and all persons who are registered as licentiates in dentistry or dental surgery of any of the medical authorities of the United Kingdom; and,

(*b.*) Contain in a separate alphabetical list all such colonial dentists as are registered in pursuance of this Act; and,

(*c.*) Contain in a separate alphabetical list all such foreign dentists as are registered in pursuance of this Act.

(2.) The dentists register shall contain the said lists made out alphabetically according to the surnames, and shall state the full names and addresses of the registered persons, the description and date of the qualifications in respect of which they are registered, and, subject to the provisions of this Act, shall contain such particulars and be in such form as the General Council from time to time direct.

(3.) The General Council shall cause a correct copy of the dentists register to be from time to time and at least once a year printed under their direction, and published and sold, which copy shall be admissible in evidence.

(4.) The dentists register shall be deemed to be in proper custody when in the custody of the general registrar, and shall be of such a public nature as to be admissible as evidence of all matters therein on its mere production from that custody.

(5.) Every local registrar shall keep such register and perform such duties in relation to registration under this Act as the General Council from time to time direct, and receive such remuneration out of the registration fees as the General Council assign him.

Every registrar shall in all respects in the execution of his discretion and duty in relation to any register under this Act, conform to any orders made by the General Council under this Act, and to any special directions given by the General Council.

(6.) The General Council may, if they think fit, from time to time make, and when made, revoke and vary, orders for the registration in (on payment of the fee fixed by the orders) and the removal from

the dentists register of any additional diplomas, memberships, degrees, licences, or letters held by a person registered therein, which appear to the Council to be granted after examination by any of the medical authorities in respect of a higher degree of knowledge than is required to obtain a certificate of fitness under this Act.

Correction of dentists register.

12. (1.) The general registrar shall from time to time insert in the dentists register any alteration which may come to his knowledge in the name or address of any person registered.

(2.) The general registrar shall erase from the dentists register the name of every deceased person.

(3.) The general registrar may erase from the dentists register the name of a person who has ceased to practise, but not (save as hereinafter provided) without the consent of that person; and the general registrar may send by post to a person registered in the dentists register a notice inquiring whether or not he has ceased to practise, or has changed his residence; and if the general registrar does not, within three months after sending the notice, receive any answer thereto from the said person, he may, within fourteen days after the expiration of the three months, send him by post in a registered letter another notice, referring to the first notice, and stating that no answer thereto has been received by the registrar, and if the general registrar either before the second notice is sent receives the first notice back from the dead letter office of the Postmaster General, or receives the second notice back from that office, or does not within three months after sending the second notice receive any answer thereto from the said person, that person shall, for the purpose of the present section, be deemed to have ceased to practise, and his name may be erased accordingly.

(4.) In the execution of his duties the general registrar shall act on such evidence as in each case appears sufficient.

Erasing from dentists register name of practitioner convicted of crime or guilty of disgraceful conduct.

* **13.** The General Council shall cause to be erased from the dentists register any entry which has been incorrectly or fraudulently made.

Where a person registered in the dentists register has, either before or after the passing of this Act, and either before or after he is so registered, been convicted either in Her Majesty's dominions or elsewhere of an offence which, if committed in England, would be a felony or misdemeanor, or been guilty of any infamous or disgraceful conduct in a professional respect, that person shall be liable to have his name erased from the register.

The General Council may, and upon the application of any of the medical authorities shall, cause inquiry to be made into the case of a person alleged to be liable to have his name erased under this section, and, on proof of such conviction or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register:

Provided that the name of a person shall not be erased under this section on account of his adopting or refraining from adopting the practice of any particular theory of dentistry or dental surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which, though within the provisions of this section, does not, either from the

* Amended by the Dentists Act 1921 s. 8

trivial nature of the offence or from the circumstances under which it was committed, disqualify a person for practising dentistry.

Any name erased from the register in pursuance of this section shall also be erased from the list of licentiates in dental surgery or dentistry of the medical authority of which such person is a licentiate.

Restoration of name to dentists register.

14. Where the General Council direct the erasure from the dentists register of the name of any person, or of any other entry, the name of that person, or that entry, shall not be again entered in the register, except by direction of the General Council, or by order of a court of competent jurisdiction.

If the General Council think fit in any case, they may direct the general registrar to restore to the dentists register any name or entry erased therefrom, either without fee or on payment of such fee, not exceeding the registration fee, as the General Council from time to time fix, and the registrar shall restore the same accordingly.

The name of any person erased from the dentists register at the request of such person or with his consent shall, unless it might, if not so erased, have been erased by order of the General Council, be restored to the register on his application, on payment of such fee not exceeding the registration fee as the General Council from time to time fix.

Where the name of a person restored to the register in pursuance of this section has been erased from the list of licentiates in dental surgery or dentistry of any medical authority, that name shall be restored to such list of licentiates.

Committee of General Council for purpose of erasure from and restoration to the register

15. The General Council shall for the purpose of exercising in any case the powers of erasing from and of restoring to the dentists register the name of a person or an entry, ascertain the facts of such case by a committee of their own body, not exceeding five in number, of whom the quorum shall be not less than three, and a report of the Committee shall be conclusive as to the facts for the purpose of the exercise of the said powers by the General Council.

The General Council shall from time to time appoint and shall always maintain a committee for the purposes of this section, and subject to the provisions of this section may from time to time determine the constitution, and the number and tenure of office of the members, of the committee.

The committee from time to time shall meet for the despatch of business, and subject to the provisions of this section, and of any regulations from time to time made by the General Council, may regulate the summoning, notice, place, management, and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business, including the quorum, and if there is a quorum the committee may act notwithstanding any vacancy in their body. In the case of any vacancy the committee may appoint a member of the General Council to fill the vacancy until the next meeting of that Council.

A committee under this section may, for the purpose of the execution of their duties under this Act, employ at the expense of the Council such legal or other assessor or assistants as the committee think necessary or proper.

Fees.

16. There shall be payable in respect of the registration of any person who, before the first day of January one thousand eight hundred and seventy-nine, applies to be registered under this Act, a fee not exceeding two pounds; and in respect of the registration of any person who after that day applies to be registered, a fee not exceeding five pounds.

Orders of General Council.

17. Subject to the provisions of this Act, the General Council may from time to time make, alter, and revoke such orders and regulations as they see fit for regulating the general register and the local registers, and the practice of registration under this Act, and the fees to be paid in respect thereof.

Examinations.

Examinations in dental surgery.

18. Notwithstanding anything in any Act of Parliament, charter, or other document, it shall be lawful for any of the medical authorities (herein-after referred to as colleges or bodies) who have power for the time being to grant surgical degrees, from time to time to hold examinations for the purpose of testing the fitness of persons to practise dentistry or dental surgery who may be desirous of being so examined, and to grant certificates of such fitness; and any person who obtains such a certificate from any of those colleges or bodies shall be a licentiate in dental surgery or dentistry of such college or body, and his name shall be entered on a list of such licentiates to be kept by such college or body.

Each of the said colleges or bodies shall admit to the examinations held by them respectively under this section any person desirous of being examined who has attained the age of twenty-one years, and has complied with the regulations in force (if any) as to education of such college or body.

Board of examiners.

19. Subject to the provisions herein-after contained with reference to a medical board, the council or other the governing body of the Royal College of Surgeons of Edinburgh, and of the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any university in the United Kingdom respectively, may from time to time appoint a board of examiners for the purpose of conducting the examinations and granting the certificates herein-before mentioned.

Each of such boards shall be called the Board of Examiners in Dental Surgery or Dentistry, and shall consist of not less than six members, one half of whom at least shall be persons registered under this Act, and such registration shall (notwithstanding anything in any Act of Parliament, charter, or other document) be deemed the only qualification necessary for the membership of such board.

The persons appointed by each such council or other governing body shall continue in office for such period, and shall conduct the examinations in such manner, and shall grant certificates in such form, as such council or other governing body may from time to time, by byelaws or regulations, respectively direct.

A casual vacancy in any such board of examiners may be filled by the council or other governing body which appointed such board, but the person so appointed shall be qualified as the person in whose

stead he is appointed was qualified, and shall hold office for such time only as the person in whose stead he is appointed would have held office.

Fees for examination.

20. Such reasonable fees shall be paid for the certificates to be granted under this Act by the board of examiners of the Royal College of Surgeons of Edinburgh, the Faculty of Physicians and Surgeons of Glasgow, and of the Royal College of Surgeons in Ireland, and of any such university as aforesaid respectively, as the council or other the governing body of each of those colleges or bodies may from time to time, by byelaws or regulations, respectively direct.

Continuance of examination in dental surgery by Royal College of Surgeons of England.

21. The Royal College of Surgeons of England shall continue to hold examinations and to appoint a board of examiners in dentistry or dental surgery for the purpose of testing the fitness of persons to practise dentistry or dental surgery who may be desirous of being so examined, and to grant certificates of such fitness, subject and according to the provisions of their charter dated the eighth day of September one thousand eight hundred and fifty-nine, and the byelaws made, or to be made, in pursuance thereof; and any person who obtains such a certificate shall be a licentiate in dental surgery of the said college, and his name shall be entered on a list of such licentiates to be kept by the said college.

General Council may require information as to examinations.

22. Every medical authority shall from time to time, when required by the General Council, furnish such Council with such information as such Council may require as to the course of study and examinations to be gone through in order to obtain such certificates as are in this Act mentioned, and generally as to the requisites for obtaining such certificates; and any member or members of the General Council, or any person or persons deputed for this purpose by such Council, or by any branch council, may attend and be present at any such examinations.

Representation to Privy Council of defects in examination.

23. Where it appears to the General Council that the course of study and examinations to be gone through in order to obtain such certificate as in this Act mentioned from any of the said colleges or bodies are not such as to secure the possession by persons obtaining such certificate of the requisite knowledge and skill for the efficient practice of dentistry or dental surgery, the General Council may represent the same to Her Majesty's Privy Council.

Powers of Privy Council on representation, to make order.

24. The Privy Council, on any representation made as aforesaid, may, if they see fit, order that a certificate granted by any such college or body after such time as may be mentioned in the order shall not confer any right to be registered under this Act.

Any such order may be revoked by the Privy Council on its being made to appear to them, by further representation from the General Council or otherwise, that such college or body has made effectual provision, to the satisfaction of the General Council, for the improvement of such course of study or examination.

Consequences of order.

25. After the time mentioned in this behalf in any such Order in Council, no person shall be entitled to be registered under this Act in respect of a certificate granted by the college or body to which such order relates after the time therein mentioned, and the revocation of any such order shall not entitle any person to be registered in respect of a certificate granted before such revocation.

Privy Council may prohibit attempts to impose restrictions as to any theory of dentistry by bodies entitled to grant certificates.

26. If it appears to the General Council that an attempt has been made by any medical authority to impose on any candidate offering himself for examination an obligation to adopt or refrain from adopting the practice of any particular theory of dentistry or dental surgery as a test or condition of admitting him to examination, or granting a certificate of fitness under this Act, the General Council may represent the same to the Privy Council, and the Privy Council may thereupon issue an injunction to the authority so acting directing them to desist from such practice, and in the event of their not complying therewith, then to order that such authority shall cease to have power to confer any right to be registered under this Act so long as they continue such practice.

Saving as to registration under 21 & 22 Vict. c. 90.

27. A certificate under this Act shall not confer any right or title to be registered under the Medical Act, 1858, in respect of such certificate, nor to assume any name, title, or designation implying that the person mentioned in the certificate is by law recognised as a licentiate or practitioner in medicine or general surgery.

Provision for conduct of examination by medical boards, if established.

21 & 22 Vict. c. 90.

See the Medical Act 1886 s. 26

28. In the event of a board being at any time after the passing of this Act established, whether under the name of a medical board or otherwise, for nominating on behalf of any two or more of the medical authorities examiners of persons desirous of practising medicine and surgery, whether such Board (in this Act referred to as a medical board) is established under the Medical Act, 1858, or otherwise, a person shall not receive a certificate of fitness to practise as a dentist from any medical authority represented on such board, or, if such board is established for the whole of England, Scotland, or Ireland, shall not be entitled to be registered in respect of any certificate obtained in England, Scotland, or Ireland, as the case may be, unless he has obtained from such board a certificate that he has shown by examination that he is qualified to practise dentistry or dental surgery: Provided that one half at least of the examiners at any such examination shall be persons registered under this Act.

The medical board shall, in such manner as may be from time to time directed by the General Council, certify to the general registrar and to the medical authorities the persons who have shown by examination that they are qualified to practise dentistry or dental surgery, and every person so certified shall on application receive from the Royal College of Surgeons of England, or the Royal College of Surgeons of Edinburgh, or the Faculty of Physicians and Surgeons of Glasgow, or the Royal College of Surgeons of Ireland, a certificate of fitness constituting such person a licentiate in dental surgery or dentistry of such college or faculty.

If a medical authority certify to the general registrar the names and addresses of the persons who, having been so certified by a medical board, have received certificates from that authority, together with the other particulars required for the registration of such persons, the general registrar may, upon payment of the registration fee, register every such person in the dentists register without application from that person.

The General Council shall have the same power of making rules respecting the examination of persons desiring to obtain certificates of being qualified to practise dentistry or dental surgery as they have for the time being in respect of the examination of persons

desiring to obtain a qualification to practise medicine and surgery, and there shall be the same right of appeal to the Privy Council against such rules.

The General Council and the Privy Council shall have the same control over the medical board, so far as regards the examination of persons desiring to practise dentistry or dental surgery, as they have as regards the examination of persons desiring to practise medicine and surgery, and shall have the same power of dismissing the members of such board.

The General Council may cause to be framed, and may approve, and when approved, submit to the Privy Council, a scheme to carry into effect the provisions of this Act with respect to a medical board, and rules respecting examinations, and for extending, with or without any exception or modification, to the examination of persons desirous of practising dentistry or dental surgery, the provisions of any Act for the time being in force with respect to the examination of persons desiring to practise medicine or surgery, and any such scheme when confirmed by the Privy Council shall have full effect.

Any such scheme may provide for the fees to be paid on admission to the examinations, and for the application of such fees for public purposes, and generally for such matters as appear to be necessary or proper for carrying into effect the scheme and regulating the examinations.

Supplemental.

Evidence of registration.

29. A copy of the register of dentists for the time being, purporting to be printed and published in pursuance of this Act, shall be evidence in all cases (until the contrary be made to appear) that the persons therein specified are registered according to the provisions of this Act; and the absence of the name of any person from such copy shall be evidence (until the contrary be made to appear) that such person is not registered according to the provisions of this Act: Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the registrar of the General Council of the entry of the name of such person in the dentists register shall be evidence that such person is registered according to the provisions of this Act.

Exemptions of registered persons.

30. Every person registered under this Act shall be exempt, if he so desires, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia; and the name of any registered person shall not be returned in any list of persons liable to serve in the militia or in any such office as aforesaid.

Exercise of powers by Privy Council.

31. The powers by this Act vested in the Privy Council may be exercised by any two or more of the Lords and others of Her Majesty's most honourable Privy Council.

Any order made by the Privy Council, or any appeal to them under this Act, may be made conditionally or unconditionally, and may contain such terms and directions as to the Privy Council seem just.

Application of fees.

32. All moneys arising from fees paid on registration or from the sale of copies of the registers, or otherwise received by the General Council under this Act, shall be applied, in accordance with such

regulations as may be from time to time made by the General Council, in defraying the expenses of registration and the other expenses of the execution of this Act, and subject thereto, towards the support of museums, libraries, or lectureships, or for public purposes connected with the profession of dentistry or dental surgery, or towards the promotion of learning and education in connexion with dentistry or dental surgery.

Accounts to be published.

33. The treasurers of the General and Branch Councils shall enter in books to be kept for that purpose a true account of all sums of money by them received and paid under this Act; and such accounts shall be submitted by them to the General Council and Branch Councils respectively at such times as the councils may respectively require. Such accounts shall be published annually, and shall be laid before both Houses of Parliament in the month of March in every year, if Parliament be then sitting, or if Parliament be not sitting, then within one month after the commencement of the next sitting of Parliament.

Penalty on wilful falsification of registers.

34. Any registrar who wilfully makes or causes to be made any falsification in any matter relating to any register under this Act shall be deemed guilty of a misdemeanor in England or Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

Penalty for obtaining registration by false representations.

35. Any person who wilfully procures or attempts to procure himself to be registered under this Act, by making or producing or causing to be made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him therein, shall be deemed guilty of a misdemeanor in England and Ireland, and in Scotland of a crime or offence punishable by fine or imprisonment, and shall, on conviction thereof, be liable to be imprisoned for any term not exceeding twelve months.

Notice of death of practitioners.

36. Every registrar of deaths in the United Kingdom, on receiving notice of the death of any person registered under this Act, shall forthwith transmit by post, to the registrar of the General Council and to the registrar of the Branch Council for that part of the United Kingdom in which the death occurs, a certificate under his own hand of such death, with the particulars of time and place of death, and may charge the cost of such certificate and transmission as an expense of his office.

Provision for certain students.

37. Any person who has been articled as a pupil and has paid a premium to a dental practitioner entitled to be registered under this Act in consideration of receiving from such practitioner a complete dental education, shall, if his articles expire before the first day of January one thousand eight hundred and eighty, be entitled to be registered under this Act as though he had been in bonâ fide practice before the passing of this Act: Moreover it shall be lawful for the General Council by special order to dispense with such of the certificates, examinations, or other conditions for registration in the dentists register required under the provisions of this Act, or under any byelaws, orders, or regulations made by its authority, as to them may seem fit, in favour of any dental students or apprentices who have commenced their professional education or apprenticeship before the passing of this Act.

38. All byelaws, orders, and regulations made by the General Council, or by any medical authority under the authority of this Act, shall be made and may be from time to time altered or revoked in such manner, and subject to such approval or confirmation (if any), as in the case of other byelaws, orders, or regulations made by such medical authority. Byelaws.

39. Subject to the other provisions of this Act, all notices and documents required by or for the purposes of this Act to be sent may be sent by post, and shall be deemed to have been received at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such sending it shall be sufficient to prove that the letter containing the notice or document was prepaid, and properly addressed, and put into the post. Services of notices by post.

Such notices and documents may be in writing or in print, or partly in writing and partly in print, and when sent to the General Council, or a medical board, or a medical authority, shall be deemed to be properly addressed if addressed to the General Council, medical board, or medical authority, or to some officer of such Council, board, or authority, at the principal office or place of business of such Council, board, or authority; and when sent to a person registered in the medical register, shall be deemed to be properly addressed if addressed to him according to his address registered in that register.

40. All fees under this Act may be recovered as ordinary debts due to the General Council, and all penalties under this Act may be recovered and enforced as follows, that is to say:—In England, before two or more justices of the peace, in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An "Act to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect to "summary convictions and orders," and any Act amending the same; and in Scotland, before the sheriff or sheriff substitute, or two justices, in manner provided by the Summary Procedure Act, 1864, and any Act amending the same; and in Ireland, within the police district of Dublin metropolis, in manner directed by the Acts regulating the powers and duties of justices of the peace for such district or of the police of such district, and elsewhere in Ireland, before two or more justices of the peace, in manner directed by the Petty Sessions (Ireland) Act, 1851, and any Act amending the same. Recovery of penalties. 27 & 28 Vict. c. 53. 14 & 15 Vict. c. 93.

The SCHEDULE. Section 7.

DECLARATION required to be made by a person who claims to be registered under the Dentists Act, 1878, on the ground that he was bonâ fide engaged in the practice of dentistry at the date of the passing of the Dentists Act, 1878.

I, , residing at , hereby declare that I was bonâ fide engaged in the practice of dentistry at , at the date of the passing of the Dentists Act, 1878.

(Signed)
(Witness)

Dated this day of 18 .

NOTE.—Any person who wilfully procures or attempts to procure himself to be registered under this Act, by making or producing, or causing to be

made or produced, any false or fraudulent representation or declaration, either verbally or in writing, and any person aiding and assisting him therein, is liable under the Dentists Act, 1878, to imprisonment for twelve months.

CHAPTER 34.

An Act to amend the Law relating to Highways in South Wales. [22d July 1878.]

23 & 24 Vict. c. 68.

WHEREAS it is expedient to amend an Act passed in the twenty-third and twenty-fourth years of the reign of Her present Majesty, intituled "An Act for the better management and "control of the highways in South Wales," which Act is in this Act called "the South Wales Highway Act:"

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Act to be one with 23 & 24 Vict. c. 68.

1. This Act shall be cited as the South Wales Highway Act Amendment Act, 1878, and so far as is consistent with the tenor thereof, shall be construed as one with the South Wales Highway Act.

Highway Boards may make improvements, and borrow money for the purpose.

2. The Highway Board for each district may make such improvements as are herein mentioned in the highways within their jurisdiction, and may, with the approval of the County Roads Board of the county in which they are situate, borrow money for the purpose of defraying the expenses of such improvements.

Estimate of expense to be made, and notice to be given.

3. Previously to applying for the approval of the said County Roads Board, the Highway Board shall cause an estimate of the expense of the improvements to be made, and one month at the least before making their application shall give notice of their intention to do so.

Such notice shall state the following particulars:

1st. The nature of the work, the estimated amount of expense thereof, and the sum proposed to be borrowed:

2nd. The parish or parishes within the highway district by which the sum borrowed and interest thereon is to be paid, and in case of more than one being made liable to pay the principal and interest, the annual amounts to be contributed by each parish towards the payment thereof:

3rd. The number of years within which the principal moneys borrowed are to be paid off, not exceeding twenty years, and the amount to be set apart in each year in paying off the same:

4th. The date of the meeting of the County Roads Board at which the application for such approval as aforesaid is to be made.

How notice to be given.

4. Such notice shall be given as follows:

1. By transmitting a copy to the clerk of such County Roads Board:

2. By placing a copy of such notice for two successive Sundays on the door of every church and chapel of the parish or parishes on behalf of which such works are to be done, or, in the case of a parish not having a church or chapel, on some conspicuous position in such parish.

Upon the hearing of the application, any person or persons may oppose the approval of the County Roads Board being given, and it shall be lawful for the County Roads Board to give or withhold their approval, with or without modification, as they think just.

Moneys borrowed under Act to be a first charge on highway rates of parishes liable to contribute.

5. All moneys borrowed in pursuance of this Act, together with the interest thereon, shall be a first charge on the highway rates of each parish liable to contribute to the payment thereof, in the same manner, as far as the creditor is concerned, as if the money had been borrowed on account of each parish alone, and the sums necessary to repay the said borrowed moneys, with interest, shall in each said parish be recoverable in the same manner as if they were expenses incurred by the board in keeping in repair the highways of that parish.

But it shall be the duty of the Highway Board in case of any one parish paying more than its share of such borrowed money, or of the interest thereof, to make good to the parish the excess so paid out of the rates of the other parishes liable to contribute thereto.

County Roads Board may make orders as to application for consent.

6. The County Roads Board may from time to time make general orders relative to the mode in which applications are to be made to them for their consent under this Act to the borrowing of any moneys.

Limitation as to amount to be levied not to apply to money borrowed under this Act.

7. The limitation as to the amount in the pound of the rateable value of the property to be levied in any one year imposed by section twenty-four of the South Wales Highway Act shall not apply to the amount of principal and interest of money borrowed under this Act and liable to be repaid in any year.

What works are to be deemed improvements of highways.

8. The following works shall be deemed to be improvements of highways:

1st. The conversion of any road that has not been stoned into a stoned road:

2nd. The widening of any road, the cutting the corners off on any road, the levelling roads, the making of a new road, the building or enlarging of bridges, and the purchase of land for any of the purposes aforesaid:

3rd. The doing any other work in respect of highways beyond ordinary repairs essential to placing any existing highway in a proper state of repair.

County Roads Board may order roads to be repaired out of highway rate.

9. It shall be lawful for any County Roads Board at any one of their regular meetings to make an order declaring that any highway within the county for which they act, being a main thoroughfare through any one or more highway districts to any town or towns or to any railway station or stations, shall be a district road, and from and after a day to be named in the order the cost of maintaining such district road shall be a common charge upon the highway district or districts within which such road is locally situate, and shall be borne by the several parishes within such district or districts in manner following; (that is to say,)

(1.) Where the district road is wholly situate in one highway district, the cost of repairing the same shall be paid out of the moneys levied for the repair and maintenance of the highways, and shall be apportioned amongst and charged upon the several parishes within the district in

the same manner as the salaries of the clerk and treasurer of the district; and

(2.) Where the district road is situate in more than one highway district, the cost of repairing the part within any such district shall in like manner be paid and be apportioned amongst and charged upon the several parishes constituting the district within which such part is situate.

Provided always, that such County Roads Board shall, previous to making an order that any highway shall be repaired as aforesaid, give notice of their intention to proceed to make an order to that effect at a meeting of the board to be named in such notice, and shall advertise such notice in one or more of the newspapers circulating in the county, and shall cause copies of such notice to be affixed to the door of each parish church in the said highway district or districts, and shall cause to be served a copy of such notice on the clerk of such highway district or districts in which such highway or highways are situate, at least one month before the day of the meeting so named in such notice, and shall at such meeting, previous to coming to any determination, hear any person or persons who shall desire to make any objections to the proposed order being made, and shall, after such objections, if any, have been heard, proceed to make, modify, or reject such proposed order as to them shall seem just and reasonable.

Incorporation of certain clauses of 10 & 11 Vict. c. 16.

10. The clauses of the Commissioners Clauses Act, 1847, with respect to mortgages to be created by the Commissioners, shall form part of and be incorporated with this Act, and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a receiver.

In the construction of the said clauses "the commissioners" shall mean "the Highway Board."

Mortgages and transfers of mortgages shall be valid if made in the forms prescribed by the last-mentioned Act, or as near thereto as circumstances admit.

Highway Boards may purchase lands by agreement. 8 & 9 Vict. c. 18.

11. A Highway Board, for the purpose of improving the highways within their district, may purchase such lands or easements relating to lands as they may require; and the Lands Clauses Consolidation Act, 1845, and any Act amending the same, except the clauses in the said Acts respectively relating to the purchase of lands otherwise than by agreement, shall be incorporated with this Act; and for the purposes of those Acts this Act shall be deemed the special Act, and any such Highway Board as aforesaid exercising the powers of this Act shall be deemed the promoters of the undertaking.

Definition of "parish."

12. "Parish" in this Act means every parish or place for which a separate rate is made for the maintenance of the highways.

CHAPTER 35.

An Act to extend for a further limited period section thirty-four of the Supreme Court of Judicature Act, 1875. [8th August 1878.]

WHEREAS by section thirty-four of the Supreme Court of Judicature Act, 1875, it is enacted that upon the occurrence of any vacancy in an office coming within the provisions of section seventy-seven of the Supreme Court of Judicature Act, 1875, the Lord High Chancellor of Great Britain may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January one thousand eight hundred and seventy-seven, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office, and it is expedient to extend the said period as herein-after mentioned: 38 & 39 Vict. c. 77.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Supreme Court of Judicature (Officers) Act, 1878. Short title.

2. Section thirty-four of the Supreme Court of Judicature Act, 1875, shall be construed as if the first day of January one thousand eight hundred and eighty were therein inserted in lieu of the first day of January one thousand eight hundred and seventy-seven. Continuation until 1st Jan. 1880 of 38 & 39 Vict. c. 77. s. 34. as to legal office.

CHAPTER 36.

An Act to continue for one year the Police (Expenses) Act, 1875. [8th August 1878.]

WHEREAS by the Police (Expenses) Act, 1875, it is enacted that so much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of that Act, be repealed, and it was further enacted that that Act should continue in force until the first day of September one thousand eight hundred and seventy-six: 38 & 39 Vict. c. 48.

And whereas by the Police (Expenses) Continuance Act, 1877, the said Act was continued in force until the first day of September one thousand eight hundred and seventy-eight: 40 & 41 Vict. c. 58.

And whereas it is expedient that the said Act should be further continued for a period of one year:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited as the Police (Expenses) Continuance Act, 1878. Short title.

Continuance of 38 & 39 Vict. c. 48. till 1st Sept. 1879.

2. The Police (Expenses) Act, 1875, shall continue in force till the first day of September one thousand eight hundred and seventy-nine.

CHAPTER 37.

An Act to further amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. [8th August 1878.]

38 & 39 Vict. c. 65.

WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875 (in this Act referred to as "the Act of 1875"), the raising of money by the Metropolitan Board of Works (in this Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount:

40 & 41 Vict. c. 52.

And whereas by the Metropolitan Board of Works (Money) Act, 1877 (in this Act referred to as the "Act of 1877"), the Board were empowered to raise certain sums of money for the purposes in the said Acts mentioned, and limits of time and amount within which the powers by the said Acts granted might be exercised were fixed:

And whereas the powers for the raising of money by the Act of 1877, conferred upon the Board, have been partially exercised, but it is expedient that the Board should have power to raise certain further sums of money for the purposes, upon the terms, and subject to the limitations herein-after mentioned, and that for such purposes the Act of 1877 should be amended:

And whereas it is expedient that the Board should be empowered to raise any of the moneys which they are by this Act authorised to raise, and which it may be convenient to raise for a temporary period, by the issue of bills, with the consent of the Treasury for not less than three and not more than twelve months, to be repaid out of moneys raised by the creation of consolidated stock under this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Money) Act, 1878; and the Metropolitan Board of Works (Money) Acts, 1875 to 1877, and this Act may be cited together as the Metropolitan Board of Works (Money) Acts, 1875 to 1878.

Construction of Act.
32 & 33 Vict. c. 102.
33 & 34 Vict. c. 24.
34 & 35 Vict. c. 47.
38 & 39 Vict. c. 65.
39 & 40 Vict. c. 55.
40 & 41 Vict. c. 52.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Metropolitan Board of Works (Money) Acts, 1875 to 1877.

Amendment of s. 13. of 40 & 41 Vict. c. 52.

3. Section thirteen of the Act of 1877 shall be read and construed as if the aggregate amount which the Board was thereby authorised to lend to the corporations, bodies of commissioners, burial boards, and other public bodies therein specified, had been limited to a sum not exceeding one hundred thousand pounds instead of fifty thousand pounds.

4. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, expend, under section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis Management Amendment Act, 1862, such money as they think fit for the purposes mentioned in the said sections respectively. Power for Board to expend under 18 & 19 Vict. c. 120. s. 144. and 25 & 26 Vict. c. 102. s. 72.

The aggregate amount expended by the Board under this section shall not exceed one hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

5. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, expend for the purposes of providing station houses, fire engines, fire escapes, and permanent plant, for the purposes of the Fire Brigade Act, 1865, such money as they think fit, not exceeding twenty thousand pounds. Power for Board to expend for Fire Brigade purposes. 28 & 29 Vict. c. 90.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve, as being, in their opinion, sufficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

6. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, expend for the purposes of the Metropolitan Street Improvements Act, 1877, such money as they think fit, not exceeding one million five hundred thousand pounds, or so much thereof as, together with any moneys expended for the said purposes under the authority of the Act of 1877, shall not exceed three million seven hundred and twelve thousand five hundred and seven pounds. Power for Board to expend for purposes of 40 & 41 Vict. c. ccxxxv.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock: Provided always, that the money to be raised and the consolidated stock to be created by the Board under this section shall be raised and created by them from time to time in such amounts and at such times only as the Board shall actually require, and as the Treasury shall approve, for the purpose of carrying out the provisions of the said Act in a proper and efficient manner.

7. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, expend for the purposes of the Metropolitan Street Improvements Act, 1872, such sums of money as they think fit, not exceeding sixty thousand pounds, or so much thereof as, together with any moneys expended for the said purposes under the authority of the Act of 1877, shall not exceed sixty thousand pounds. Power for Board to expend for the purposes of 35 & 36 Vict. c. clxiii.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

8. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, expend for the purposes of the Metropolitan Commons Supplemental Act, 1873 (which relates to Tooting Beck Common), and so much of the Metropolitan Board of Works (Various Powers) Act, 1875, as relates Power for Board to expend for the purposes of 36 & 37 Vict. c. lxxxvi. and

38 & 39 Vict. c. clxxix.

to Tooting Graveney Common, such money as they think fit, not exceeding twelve thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Power for Board to expend for the purposes of 41 & 42 Vict. c. cxlv.

9. The Board may from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, expend for the purposes of the Metropolitan Board of Works (Plumstead Common, &c.) Act, 1878, such money as they think fit, not exceeding ten thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Power for Board to lend to vestry or district board. 18 & 19 Vict. c. 120.

10. Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire in pursuance of authority vested in them by Act of Parliament to borrow money for the purpose of any work or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then, from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit and as the vestry or district board are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed two hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to board of guardians. 18 & 19 Vict. c. 120.

11. Where a board of guardians of a union or parish wholly or for the greater part in the metropolis as defined in the Metropolis Management Act, 1855, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then, from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit and as the board of guardians are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed two hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to corporations, burial boards, &c. 18 & 19 Vict. c. 120.

12. Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the metropolis as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire in pursuance of authority vested in them to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then, from time to time up to the thirty-first day of December one thousand eight hundred and seventy-nine, with the approval of the Treasury, the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred thousand pounds.

The Board, in order to raise money for purposes of this section, may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them, with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years the Board shall from time to time carry to the consolidated loans fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District, or of the School Board for London.

Extension of amount of loans by Board for Metropolitan Asylum District. 32 & 33 Vict. c. 102. 34 & 35 Vict. c. 47.

13. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-nine, lend to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorised by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorised by section seventeen of the Metropolitan Board of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorised by section seven of the Act of 1875, and to the sum of one hundred thousand pounds authorised by section ten of the Act of 1876, and to the sum of fifty thousand pounds authorised by section fourteen of the Act of 1877, such sums as the managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole fifty thousand pounds, and the first-mentioned section shall be construed as if nine hundred thousand pounds were therein substituted for five hundred thousand pounds.

Board may raise money by bills.

14. Notwithstanding anything in this Act or in any other Act relating to the Board contained, the Board, with the consent of the Treasury, may from time to time as they think fit raise any part of the moneys which they are by this Act authorised to raise, not exceeding in the whole the sum of five hundred thousand pounds, by the issue of bills under this Act.

Form and length of currency and interest on metropolitan bills.

15. A bill under this Act (in this Act referred to as a "metropolitan bill") shall be a bill in form prescribed by a regulation made in pursuance of this Act for the payment of the principal sum named therein in the manner and at the date therein mentioned, so that the date be not less than three nor more than twelve months from the date of the bill.

Interest shall be payable in respect of a metropolitan bill at such rate and in such manner as the Board, with the consent of the Treasury, may direct.

Payment of proceeds of metropolitan bills, and charge of bill on consolidated rate.

16. All moneys raised by the issue of any metropolitan bills shall be paid to the Board, and shall be expended by them for the purposes for which the same are by this Act authorised to be raised respectively. The principal money and interest expressed in any metropolitan bill to be payable shall be charged on the consolidated rate, and shall be payable out of the said rate, or as regards principal out of moneys raised by the creation of consolidated stock under this Act for the purpose for which such principal money has been expended, and as regards interest out of the consolidated loans fund.

Mode of issue of metropolitan bills.

17. With respect to the issue of metropolitan bills the following provisions shall have effect:

(1.) Metropolitan bills shall be issued under the authority of a warrant sealed by the Board, and countersigned on behalf of the Treasury;

(2.) Each metropolitan bill shall be for the amount directed by the Board;

(3.) Each metropolitan bill shall be sealed by the Board, the sealing being attested by the clerk in his own name.

Regulations to be made by the

18. The Board may from time to time, with the consent of the Treasury, make, and when made rescind, alter, and add to, regula-

tions for carrying into effect the provisions of this Act with respect to metropolitan bills, and in particular,— Board as to issue, cancellation, &c. of metropolitan bills.

(1.) For regulating (subject to the provisions of this Act) the preparation, form, mode of issue, mode of payment, and cancellation of metropolitan bills;

(2.) For regulating the issue of a new metropolitan bill in lieu of one defaced, lost, or destroyed;

(3.) For preventing, by the use of counterfoils or of a special description of paper or otherwise, fraud in relation to the metropolitan bills;

(4.) For the proper discharge to be given upon the payment of a metropolitan bill.

Every regulation purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall have effect as if it were enacted in this Act.

Power to create consolidated stock partially suspended while metropolitan bills authorised to be raised.

19. For the purpose of paying off the principal money of any metropolitan bills the Board may raise any sum which they are by this Act empowered to raise by the creation of consolidated stock for the purposes for which such principal money has been expended, not exceeding the amount of such principal money, but, save as aforesaid, the powers given to the Board by this Act to raise moneys for any purposes by the creation of consolidated stock shall be suspended to the amounts and for the periods to and for which moneys are for the time being authorised by the Treasury to be raised for such purposes respectively by the issue of metropolitan bills.

Application to metropolitan bills of 24 & 25 Vict. c. 98. ss. 8–11, relating to forgery and other frauds.

20. Sections eight, nine, ten, and eleven of the Act of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-eight, intituled "An Act to consolidate and amend "the Statute Law of England and Ireland relating to indictable "offences by forgery" (which sections relate to the forgery of and other frauds relating to exchequer bills), shall apply to the metropolitan bills, and shall have effect as if "exchequer bill" in those sections included "metropolitan bill."

Arrangement with bank as to metropolitan bills.

21. The Board may enter into such arrangements with any bank approved by the Treasury for carrying into effect the provisions of this Act with respect to the issue of the metropolitan bills, and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto, as they may think proper, and as may be approved by the Treasury.

Alteration of limitation of borrowing power. 32 & 33 Vict. c. 102.

22. The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act.

Repayments to go to consolidated loans fund.

23. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the consolidated loans fund.

32 & 33 Vict. c. 102. s. 3. extended.

24. The provisions of section three of the Metropolitan Board of Works (Loans) Act, 1869, shall extend and apply to, and shall authorise the raising, in manner therein mentioned, of any money by the Board, with the sanction of the Treasury, under any powers of borrowing.

SCHEDULE.

NEW MONEY POWERS CONFERRED IN THIS ACT.

Section of Act.	Purpose.	Amount.
	(*a*) Supplemental for 1878.	£
3	Loans to public bodies - - - -	50,000
	(*b*) For 1879.	
4	Minor improvements - - - -	100,000
5	Fire Brigade - - - - -	20,000
6	Street Improvements Act, 1877 - - -	1,500,000
7	Street improvements under Act of 1872 - -	60,000
8	Tooting commons - - - - -	12,000
9	Plumstead Common - - - -	10,000
10	Loans to vestries and district boards - -	200,000
11	Loans to guardians - - - -	200,000
12	Loans to public bodies - - - -	100,000
13	Loans to managers of Metropolitan Asylums District	50,000
		£2,302,000

CHAPTER 38.

An Act for the further relief of Innkeepers.

[8th August 1878.]

WHEREAS it is just and expedient to give, in addition to the present right of lien, a power of sale under certain circumstances to keepers of hotels, inns, and licensed public-houses upon and in respect of goods and chattels deposited with them or upon the tenements and premises occupied by them:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Landlord, &c. may dispose of goods left with him after six weeks.

1. The landlord, proprietor, keeper, or manager of any hotel, inn, or licensed public-house shall, in addition to his ordinary lien, have the right absolutely to sell and dispose by public auction of any goods, chattels, carriages, horses, wares, or merchandise which may have been deposited with him or left in the house he keeps, or in the coach-house, stable, stable-yard, or other premises appurtenant or belonging thereunto, where the person depositing or leaving such goods, chattels, carriages, horses, wares, or merchandise shall be or become indebted to the said innkeeper either for any board or lodging or for the keep and expenses of any horse or other animals left with or standing at livery in the stables or fields occupied by such innkeeper.

Provided that no such sale shall be made until after the said goods, chattels, carriages, horses, wares, or merchandise shall have been for the space of six weeks in such charge or custody or in or upon such premises without such debt having been paid or satisfied, and that such innkeeper, after having, out of the proceeds

of such sale, paid himself the amount of any such debt, together with the costs and expenses of such sale, shall on demand pay to the person depositing or leaving any such goods, chattels, carriages, horses, wares, or merchandise the surplus (if any) remaining after such sale: Provided further, that the debt for the payment of which a sale is made shall not be any other or greater debt than the debt for which the goods or other articles could have been retained by the innkeeper under his lien.

Provided also, that at least one month before any such sale the landlord, proprietor, keeper, or manager shall cause to be inserted in one London newspaper and one country newspaper circulating in the district where such goods, chattels, carriages, horses, wares, or merchandise, or some of them, shall have been deposited or left, an advertisement containing notice of such intended sale, and giving shortly a description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same where known.

2. This Act may be cited as the Innkeepers Act, 1878. Short title.

CHAPTER 39.

An Act for the Protection of Freshwater Fish.

[8th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Freshwater Fisheries Act, 1878. Short title.

2. This Act shall, so far as is consistent with the tenour thereof, be read as one with the Salmon Fishery Acts, 1861 to 1876. Construction. 24 & 25 Vict. c. 109. 28 & 29 Vict. c. 121. 36 & 37 Vict. c. 71. 39 & 40 Vict. c. 19.

3. This Act shall not extend to Scotland or Ireland, nor, except as regards sub-sections four and five of section eleven, and as regards section twelve, to the counties of Norfolk and Suffolk, and the county of the city of Norwich. Extent of Act.

4. This Act shall come into operation from and immediately after the thirty-first day of December one thousand eight hundred and seventy-eight. Commencement of Act.

5. Sections eight and nine of the Salmon Fishery Act, 1861, (which relate to fishing with lights, spears, and other prohibited instruments, and to using roe as a bait,) and section sixty-four of the Salmon Fishery Act, 1865 (which provides a close time for trout and char), shall, as amended by the subsequent Salmon Fishery Acts, apply to trout and char in all waters within the limits of this Act; and the term "salmon river," as used in section sixty-four of the Salmon Fishery Act, 1865, shall include any such water. Extension of provisions of 24 & 25 Vict. c. 109. ss. 8, 9, and 28 & 29 Vict. c. 121. s. 64.

6. The provisions of the Salmon Fishery Acts, 1865 and 1873, which relate to the formation, alteration, combination, and dissolution of fishery districts, and to the appointment, qualification, proceedings, and powers of conservators, shall extend and apply to all waters within the limits of this Act frequented by trout or char; and the term "salmon river" in the fourth and nineteenth sections of the Salmon Fishery Act, 1865, and in the twenty-sixth section Formation and dissolution of fishery districts in trout and char rivers.

This does not give fishery boards jurisdiction over waters [illegible] c. diff. character (e.g. an artificial reservoir, which is supplemented by flow from other) from those rep. to in the Salmon Fishery Acts. 1901 2 KB. 162. Stand Ap. v Nicholas. Rosh. But see Rose v Iggo. 1906, 1 KB. 576

36 & 37 Vict. c. 71.

of the Salmon Fishery Act, 1873, shall mean any river frequented by salmon, trout, or char.

Provisions as to licences.

7. In any fishery district subject to a board of conservators, the conservators shall have power to issue licences for the day, week, season, or any part thereof, to all persons fishing for trout or char, and, in the event of the power being exercised in any fishery district, the provisions of the thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, and thirty-seventh sections of the Salmon Fishery Act, 1865, and of the twenty-first, twenty-second, twenty-fourth, and twenty-fifth sections of the Salmon Fishery Act, 1873, (relative to licences,) shall, with respect to such district, be construed as if the words "trout or char" were inserted throughout after the word "salmon."

28 & 29 Vict. c. 121.

36 & 37 Vict. c. 71.

Provided as follows:

(1.) A licence to fish for salmon shall have effect as a licence to fish for trout and char:

(2.) The fee payable for a licence to fish for trout or char exclusively of salmon in any district shall not exceed one third of the maximum amount chargeable for fishing for salmon under the provisions of the 21st section of the Salmon Fishery Act, 1873.

36 & 37 Vict. c. 71.

Powers of water bailiffs.

8. The provisions of the thirty-first section of the Salmon Fishery Act, 1865, and of the thirty-sixth, thirty-seventh, and thirty-eighth sections of the Salmon Fishery Act, 1873, relative to the powers of water bailiffs, shall extend and apply to all waters within the limits of this Act, as if the words "salmon river," wherever they occur in such sections, included all waters frequented by salmon, trout, or char.

28 & 29 Vict. c. 121.

36 & 37 Vict. c. 71.

Justice may grant warrant to enter suspected places.

9. The provisions of the thirty-fourth section of the Salmon Fishery Act, 1861, which empower any justice of the peace upon information on oath to authorise the search of any premises, shall extend to all offences committed or alleged to have been committed under this Act, and that section shall be construed and have effect as if the word "salmon" included trout, char, and all freshwater fish.

24 & 25 Vict. c. 109.

Power to extend close season to char.

10. The provisions of the Salmon Fishery Act, 1876, which empower a board of conservators to alter the period during which it shall be illegal to take or kill trout in any fishery district, shall extend to char, and the fourth section of that Act shall be construed and have effect as if the words "or char" followed the word "trout" in that section.

39 & 40 Vict. c. 19.

Close season for freshwater fish.

11. (1.) In this section the term "freshwater fish" includes all kinds of fish (other than pollan, trout, and char) which live in fresh water, except those kinds which migrate to or from the open sea:

(2.) The period between the fifteenth day of March and the fifteenth day of June, both inclusive, shall be a close season for freshwater fish:

(3.) If any person during this close season fishes for, catches, or attempts to catch or kill any freshwater fish in any river, lake, tributary, stream, or other water connected or communicating with such river, he shall, on summary conviction before two justices, be liable to a fine not exceeding forty shillings:

Nothing in this sub-section shall apply—

(*a.*) To the owner of any several or private fishery where trout, char, or grayling are specially preserved destroying within such fishery any freshwater fish other than grayling;

(*b.*) To any person angling in any several fishery with the leave of the owner of such fishery or in any public fishery under the jurisdiction of a board of conservators with the leave of said board;

(*c.*) To any person taking freshwater fish for scientific purposes;

(*d.*) To any person taking freshwater fish for use as bait:

(4.) If any person during this close season buys, sells, or exposes for sale, or has in his possession for sale, any freshwater fish, he shall, on summary conviction before two justices, be liable to a fine not exceeding forty shillings:

(5.) On a second or any subsequent conviction under this section the person convicted shall be liable to a fine not exceeding five pounds:

(6.) After every conviction under this section the person or persons convicted shall forfeit all fish so caught, bought, sold, exposed for sale, or in possession for sale, and shall be liable, at the discretion of the convicting justices, to the forfeiture of all instruments used in the taking of such fish:

(7.) A board of conservators appointed under the Salmon Fishery Acts, 1861 to 1876, or under this Act, may, as regards any or all kinds of freshwater fish, with the approval of the Secretary of State, exempt the whole or any part of their district from the operation of the first, second, and third sub-sections of this section. The exemption shall be advertised in such manner as the Secretary of State shall direct: 24 & 25 Vict. c. 109. 28 & 29 Vict. c. 121. 36 & 37 Vict. c. 71. 39 & 40 Vict. c. 19.

(8.) The provisions of the Salmon Fishery Acts, 1861 to 1876, as to legal proceedings, offences, and penalties under those Acts, shall apply to legal proceedings, offences, and penalties under this section. 24 & 25 Vict. c. 109. 28 & 29 Vict. c. 121. 36 & 37 Vict. c. 71. 39 & 40 Vict. c. 19.

12. The Fisheries (Dynamite) Act, 1877, which prohibits the use of dynamite or other explosive substance for the catching or destruction of fish in a public fishery, shall apply to the use of any such substance for the catching or destruction of fish in any water, whether public or private, within the limits of this Act. Extension of 40 & 41 Vict. c. 65. to private waters.

13. So much of the Act of Parliament made and passed in the eighteenth year of the reign of King George the Third, chapter thirty-three, intituled "An Act for the better preservation of fish "and regulating the fisheries in the River Severn and Verniew," as prohibits any person or persons in the months of June or July laying, drawing, making use of, or fishing within the said rivers, or either of them, with any net the meshes whereof shall be under two inches and a half square by the standard, and not extended, or ten inches round, allowing to each mesh four knots, is hereby repealed. Repeal of part of 18 G. 3. c. 33. as to fishing in the Severn and Verniew in June and July.

CHAPTER 40.

An Act to remove doubts with respect to the application to Scotland of the Prisons Authorities Act, 1874.

[8th August 1878.]

37 & 38 Vict. c. 47.

WHEREAS doubts exist with respect to the application to Scotland of the Prisons Authorities Act, 1874 (herein-after called the Act of 1874), and it is expedient that those doubts be removed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

37 & 38 Vict. c. 47.

1. This Act may be cited as the Prisons Authorities Act, 1874, Amendment Act, 1878, and the Act of 1874 and this Act shall be read and construed together as one Act.

Interpretation of expression "prison authority."

37 & 38 Vict. c. 47.

40 & 41 Vict. c. 53.

29 & 30 Vict. c. 118.

35 & 36 Vict. c. 21.

29 & 30 Vict. c. 117.

35 & 36 Vict. c. 21.

37 & 38 Vict. c. 47.

2. The expression "prison authority," where used in the Act of 1874, shall be deemed to include county prison boards in Scotland as such boards existed previous to the passing of the Prisons (Scotland) Act, 1877; and any moneys borrowed or contracted to be borrowed before the passing of this Act by the county prison board of any county in Scotland for the purpose of contributing towards the expense of altering, enlarging, rebuilding, establishing, building, or purchasing the site of any industrial or reformatory school under the Industrial Schools Acts, 1866 and 1872, and the Reformatory Schools Acts, 1866 and 1872, or any of them, shall, subject to the approval of one of Her Majesty's Principal Secretaries of State, which approval may be given after the passing of this Act on the application of the Commissioners of Supply of such county, be deemed to be moneys borrowed or contracted to be borrowed by a prison authority under the Act of 1874, and may be charged by the Commissioners of Supply of such county upon the county general assessment thereof, but with a right of relief against the burgh or burghs therein, and the municipal, or police, or other assessments thereof, in the proportion of the valuation of such burgh or burghs respectively to the valuation of such county, and shall be repaid, with the interest due thereon, all as nearly as may be in manner provided by the Act of 1874.

37 & 38 Vict. c. 47.

CHAPTER 41.

An Act to enable Returning Officers at Parliamentary Elections in Scotland to require Security for their Expenses; and otherwise to amend the Law of Scotland relating to such Expenses.

[8th August 1878.]

WHEREAS it is expedient to amend the law relating to the expenses and charges of returning officers at parliamentary elections in Scotland, and otherwise to amend the law of Scotland relating to such expenses:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act. 35 & 36 Vict. c. 33.

1. This Act may be cited for all purposes as the Parliamentary Elections Returning Officers Expenses (Scotland) Act, 1878, and the Ballot Act, 1872, as modified by this Act, and this Act shall be construed as one Act.

Extent of Act.

2. This Act shall extend to Scotland only, and only to parliamentary elections.

Returning officer may require deposit or security.

3. The returning officer, if he think fit, may, as herein-after provided, require security to be given for the charges which may become payable under the provisions of any Act of Parliament in respect of any election.

The total amount of the security which may be required in respect of all the candidates at an election shall not in any case exceed the sums prescribed in the Schedule to this Act.

Where security is required by the returning officer it shall be apportioned and given as follows; viz.,

(1.) At the end of the two hours appointed for the election the returning officer shall forthwith declare the number of the candidates who then stand nominated, and shall, if there be more candidates nominated than there are vacancies to be filled up, apportion equally among them the total amount of the required security:

(2.) Within one hour after the end of the two hours aforesaid, security shall be given by or in respect of each candidate then standing nominated, for the amount so apportioned to him:

(3.) If in the case of any candidate security is not given or tendered as herein mentioned, he shall be deemed to be withdrawn within the provisions of the Ballot Act, 1872: 35 & 36 Vict. c. 33.

(4.) A tender of security in respect of a candidate may be made by any person:

(5.) Security may be given by deposit of any legal tender or of notes of any bank being commonly current in the county or burgh for which the election is held, or, with the consent of the returning officer, in any other manner:

(6.) The balance (if any) of a deposit beyond the amount to which the returning officer is entitled in respect of any candidate shall be repaid to the person or persons by whom the deposit was made.

Use of ballot boxes, &c. provided for municipal elections. 35 & 36 Vict. c. 33. s. 14.

4. In any case to which the fourteenth section of the Ballot Act, 1872, is applicable it shall be the duty of the returning officer, so far as is practicable, to make use of ballot boxes, fittings, and compartments provided for municipal or school board elections, and the court, upon taxation of his accounts, shall have regard to the provisions of this section.

Saving of the universities.

5. Nothing in this Act shall apply to an election for any university or combination of universities.

Commencement and duration of Act.

6. On and after the passing of this Act it shall come into operation, and shall continue in force until the thirty-first day of December one thousand eight hundred and eighty, and no longer, unless Parliament shall otherwise determine.

SCHEDULE.

MAXIMUM AMOUNT of SECURITY which may be required by a RETURNING OFFICER.

	County or District of Contributory Burghs.	Burgh.
	£	£
Where the registered electors do not exceed 1,000 -	150	100
Where the registered electors exceed 1,000 but do not exceed 2,000 - - - - -	200	150
Where the registered electors exceed 2,000 but do not exceed 4,000 - - - - -	275	200
Where the registered electors exceed 4,000 but do not exceed 7,000 - - - - -	400	250
Where the registered electors exceed 7,000 but do not exceed 10,000 - - - - -	550	300
Where the registered electors exceed 10,000 but do not exceed 15,000 - - - - -	700	450
Where the registered electors exceed 15,000 but do not exceed 20,000 - - - - -	800	500
Where the registered electors exceed 20,000 but do not exceed 30,000 - - - - -	900	600
Where the registered electors exceed 30,000 but do not exceed 40,000 - - - - -	1,000	700
Where the registered electors exceed 40,000 but do not exceed 50,000 - - - - -	—	1,000
Where the registered electors exceed 50,000 but do not exceed 60,000 - - - - -	—	1,300
Where the registered electors exceed 60,000 - -	—	1,600

If at the end of the two hours appointed for the election, not more candidates stand nominated than there are vacancies to be filled up, the maximum amount which may be required is one fifth of the maximum according to the above scale.

CHAPTER 42.

An Act to amend and further extend the Acts for the Commutation of Tithes in England and Wales.

[8th August 1878.]

6 & 7 Will. 4. c. 71.
7 Will. 4. & 1 Vict. c. 69.
1 & 2 Vict. c. 64.
2 & 3 Vict. c. 62.
3 & 4 Vict. c. 15.
5 & 6 Vict. c. 54.
9 & 10 Vict. c. 73.
23 & 24 Vict. c. 93.

WHEREAS an Act was passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, intituled "An Act for the commutation of tithes in England and Wales," and the said Act has been amended, and the provisions thereof have been extended, by Acts passed in the sessions of Parliament held respectively in the first year, the first and second years, the second and third years, the third year, the fifth and sixth years, the ninth and tenth years, and the twenty-third and twenty-fourth years of the reign of Her present Majesty:

And whereas it is expedient that the said Acts should be amended, and that the provisions thereof should be further extended in manner herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Redemption of tithe on land required for public purposes.

1. In all cases where land charged with rentcharge in lieu of tithes is taken for any of the following purposes; that is to say,

The building of any church, chapel, or other place of public worship;

The making of any cemetery or other place of burial;

The erection of any school under the Elementary Education Act; 33 & 34 Vict. c. 75.

The erection of any town hall, court of assize, gaol, lunatic asylum, hospital, or any other building used for public purposes, or in the carrying out of any improvements under the Artizans Dwellings Act, 1875; 38 & 39 Vict. c. 36.

The formation of any sewage farm under the provisions of the Sanitary Acts, or the construction of any sewers, or sewage works, or any gas or water works;

Or the enlarging and improving of the premises or buildings occupied or used for any of the above-mentioned purposes;

the person or persons proposing to carry out the above-mentioned works, buildings, or improvements shall, as soon as the said person or persons are in possession of the land, and before the land is applied to any of the purposes aforesaid, apply to the Tithe Commissioners to order the redemption of the rentcharge for a sum of money equal to twenty-five times the amount thereof; and the redemption money, with the expenses incident to the redemption, shall be paid to the said Commissioners within a time to be fixed by such order, or within any enlarged time the Commissioners may appoint, and the Commissioners shall apply such redemption money in the manner provided by the said Acts.

Application for redemption.

2. The application to the said Commissioners in respect of any such land may be signed by the secretary of any company which shall have taken the land, or in the case of a corporation, school or other board, by the clerk of the said board or corporation, and in every other case by such person or persons as the Commissioners may require.

Redemption of tithe not exceeding twenty shillings.

3. Whenever land has been charged with any rentcharge not exceeding twenty shillings, the Commissioners may, if they see fit, upon the application of the owner of such land or of the person entitled to the rentcharge thereon, by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by or on behalf of the owner of the said land charged therewith, within such time as the Commissioners by such order shall direct and appoint, of a sum of money equal to twenty-five times the amount of such rentcharge.

Redemption of tithe exceeding twenty shillings.

4. Whenever any land has been charged with a rentcharge exceeding twenty shillings, the Commissioners may, if they see fit, upon the joint application of the owner of the land and the person entitled to the rentcharge, order such rentcharge to be redeemed for a sum not being less than twenty-five times the amount thereof, provided that the bishop of the diocese and the patron of the benefice consent to such redemption, whenever the person entitled to the rentcharge is entitled thereto in right of any benefice or cure.

Redemption of tithe on divided lands.

5. Whenever lands charged with rentcharge under any instrument of apportionment or altered apportionment shall be divided for building or other purposes into numerous plots, and it shall appear to the Commissioners that no further apportionment of the said rentcharge can conveniently be made, the Commissioners may, if they shall see fit, upon the application of the owner or of the person for the time being entitled to the receipt of the said rentcharge, and without limitation as to the amount thereof, by an order under their hands and seal, direct that such rentcharge shall be redeemed by the payment by the owners of the lands chargeable therewith, within such time as the Commissioners shall by such order direct and appoint, of a sum of money not less than twenty-five times the amount of such rentcharge.

Application of existing powers to this Act.

6. All the powers and provisions of the said recited Acts respecting the redemption of rentcharge and the assessment and recovery of redemption money and expenses (except as otherwise by this Act is provided) shall be applicable to all redemptions authorised and effected under this Act.

Exchange of annual payment for lands or tithe rentcharge.

7. The provisions of the said Acts with reference to the exchange of glebe lands for other lands shall extend to and be deemed to authorise any spiritual person to exchange for lands, or for tithe rentcharge, any annual payment or augmentation belonging to him in right of his benefice and charged upon or payable out of any lands or tithe rentcharge.

CHAPTER 43.

An Act to encourage Regular Marriages in Scotland.

[8th August 1878.]

WHEREAS it is expedient, in order to encourage the celebration of regular marriages in that part of the United Kingdom called Scotland, that provision should be made for the celebration of such marriages after notice to registrars:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In this Act—

(1.) "Registrar" means the registrar of births, deaths, and marriages for a parish or district under the Act of the seventeenth and eighteenth years of the reign of Her present Majesty, chapter eighty, intituled "An Act to "provide for the better Registration of Births, Deaths, "and Marriages in Scotland," and the Acts amending the same:

(2.) "Registrar General" means the registrar general of births, deaths, and marriages in Scotland appointed under the said Act of the seventeenth and eighteenth years of the reign of Her present Majesty, and the Acts amending the same:

(3.) "Parish" and "district" have the meanings attached to them respectively in the said Act of the seventeenth and

eighteenth years of the reign of Her present Majesty, and the Acts amending the same.

Short title.

2. This Act may be cited for all purposes as the Marriage Notice (Scotland) Act, 1878.

Commencement of Act.

3. This Act shall commence and come into operation on the first day of January one thousand eight hundred and seventy-nine, which date is herein-after referred to as the commencement of the Act.

Ministers, &c. may celebrate marriages on registrar's certificate.

4. From and after the commencement of this Act it shall be lawful for ministers, clergymen, or priests in Scotland to celebrate marriages therein after such publication of notice of an intention to marry as is herein-after prescribed, and upon production to such minister, clergyman, or priest of a certificate or certificates of such publication as herein-after prescribed; and any marriage so celebrated shall be deemed to be a regular marriage as if it had been celebrated by such minister, clergyman, or priest after the proclamation of banns of marriage according to the mode now in use.

Regarding Quakers and Jews.

5. Notwithstanding anything contained in this Act, the Society of Friends, commonly called Quakers, and the persons professing the Jewish religion, may contract and solemnize marriage according to the usages of the said Society and of the said persons respectively, and every such marriage is hereby declared and confirmed as a regular marriage, provided that the parties to such marriage be both of the said Society or both persons professing the Jewish religion respectively; provided also, that notice to the registrar of intention to marry shall have been given, and his certificate shall have issued in manner herein-after provided.

Registrar's certificate to be equivalent to certificate of proclamation of banns.

6. From and after the commencement of this Act a registrar's certificate of the publication of a notice of marriage in the manner provided for by this Act shall, for all purposes of law, save as herein-after provided, be of the same force and effect as a certificate granted by a session clerk or other proper officer for granting the same of the due proclamation of banns of marriage under the law in force before the commencement of this Act.

Notice of intended marriage may be given to registrars.

7. In every case of persons residing in Scotland intending that a regular marriage shall be contracted between them in Scotland without the proclamation of banns, each of such persons shall, on or about the same date, give notice of the intended marriage to the registrar of the parish or district in which he or she shall have resided for a period of not less than fifteen clear days previous to the giving of such notice, in the form as nearly as may be set forth in the Schedule A. annexed to this Act; provided that when both of such persons reside within the same parish or district a single notice shall suffice.

Duties of registrars on receipt of a notice of marriage.

8. On the receipt of a notice of an intended marriage, along with the sum of one shilling and sixpence, the registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particulars set forth in the notice in "The Marriage Notice Book" herein-after mentioned, and shall on the same day post, or put up in a conspicuous and accessible place on the door or outer wall of his office, a public notice of the intended marriage, in the form as nearly as may be set forth in the Schedule B. annexed to this Act, and shall keep the same so posted or put up for seven consecutive days thereafter.

The marriage notice book shall be open at all reasonable times to any person desirous of inspecting the same upon payment of one shilling.

Registrar to grant certificate.

9. The registrar, having complied with the requirements of this Act, shall, on the expiration of seven clear days after the receipt of the notice of an intended marriage, in the event of no objection to the marriage appearing on the face of such notice, or being stated to him as herein-after provided for, and upon payment of a fee of one shilling, grant to the person who gave the notice, or to any person authorised by the person who gave the notice, a certificate of the due publication thereof, hereafter in this Act referred to as the registrar's certificate, as nearly as may be in one of the forms set forth in Schedule C. annexed to this Act, and shall therein set forth whether any objection had been offered to such intended marriage.

Provisions as to objections to intended marriages.

10. The registrar shall disregard all objections to an intended marriage not appearing on the face of the notice, unless—

1. They shall be stated prior to the issuing of the certificate of publication:
2. They shall be stated in writing subscribed by the person taking the same:
3. The person taking the same shall appear personally to lodge the same with the registrar, and shall in his presence make and subscribe a declaration as nearly as may be in the form set forth in Schedule D. annexed to this Act, which the registrar shall endorse on the written statement of objections.

And with regard to objections, timely and duly stated as above provided, the following provisions shall have effect; that is to say,

(*a.*) Where the objection is that the persons intending to contract marriage, or either of them, had not resided fifteen clear days within the parish or parishes or districts or district before giving notice; or that such persons are wrongly named or described in the notice, or that either of them is so wrongly named or described; or that the notice is otherwise inaccurate in any detail; and generally where the objection does not set forth a legal impediment to a marriage between such persons, but relates to some formality or statutory requirement merely, the registrar shall suspend the issuing of his certificate, and shall consider the objection, and make such inquiry thereanent as he shall see fit, and report thereon as soon as may be to the sheriff or sheriff substitute of the county in which his office is situated, who shall, on such report, direct the notice to be amended and a certificate to be granted thereon without republication thereof, if he shall see fit; or to be cancelled, if he shall see fit, in which case it shall be competent for the persons intending to contract marriage to give notice de novo of their intended marriage:

(*b.*) Where the objection is that the persons intending to contract marriage are within the forbidden degrees of consanguinity or affinity, or are both or either of them already married, or are both or either of them not of a marriageable age, or are from any other legal incapacity disqualified to give

such consent as is necessary for marriage; and generally where the objection sets forth any legal impediment to a marriage between them, the registrar shall suspend the issuing of his certificate until there shall be produced to him a certified copy of a judgment of a competent court of law to the effect that the parties are not in respect of the said objection disqualified from contracting such marriage.

Certificates of proclamation of banns and of notice to registrars to be of equal authority.

11. For the purposes of this Act a certificate from a session clerk of the due publication of banns, and a registrar's certificate granted under this Act, shall be of equal authority in authorising a minister, clergyman, or priest in Scotland to celebrate a regular marriage, and such marriage may be celebrated upon the production either of a certificate or certificates of due proclamation of banns, or of a registrar's certificate or registrars' certificates applicable to both parties, or a certificate of due proclamation of banns in the case of one of the parties, and of a registrar's certificate in the case of the other: Provided always, that whenever a marriage shall not take place within three months of the date of such registrar's certificate as aforesaid, such certificate shall be utterly void: And provided further, that no minister of the Church of Scotland shall be obliged to celebrate a marriage not preceded by due proclamation of banns.

Penalties for celebrating marriages without certificates.

12. Any person otherwise entitled to celebrate a marriage who shall celebrate a marriage in Scotland with a religious ceremony without having produced or exhibited to him a certificate or certificates of the due proclamation of banns or a registrar's certificate or registrars' certificates applicable to both parties, or a certificate of due proclamation of banns in the case of one of the parties and a registrar's certificate in the case of the other, shall be guilty of an offence under this Act, and shall on conviction thereof be liable to a penalty not exceeding fifty pounds.

Offences under this section may be prosecuted before the sheriff or sheriff substitute under the provisions of the Summary Procedure Act, 1864, but only at the instance of the procurator fiscal.

Issuing of a certificate otherwise than in terms of this Act to be an offence.

13. A registrar who shall wilfully grant a registrar's certificate to any person, without complying with all the requirements of this Act in regard to the conditions on which and the time when the same may be granted, shall be guilty of an offence under this Act, and shall on conviction be liable to a fine not exceeding twenty-five pounds or to be imprisoned for a period not exceeding one month, and to be deprived of his office.

Offences under this section may be prosecuted before the sheriff or sheriff substitute under the provisions of the Summary Procedure Act, 1864, at the instance of the procurator fiscal of the county.

False declarations, &c. under this Act to be punished as perjury.

14. Every person who shall wilfully make or sign any false declaration, or sign or give any false notice of an intended marriage, or who shall wilfully state any false objection to a marriage, or wilfully make any false declaration relative to an objection to a marriage under the provisions of this Act, shall be deemed in law to be guilty of the crime of perjury, and shall on conviction suffer the penalties attached by law to the crime of perjury.

Registrars to be provided with books, &c.

15. The Registrar General shall, on or before the commencement of this Act, and thereafter from time to time as may be necessary, furnish or cause to be furnished to every registrar of a parish or district in Scotland,—(1) a book to be called "The Marriage Notice

Book," prepared in such form as the Registrar General, having regard to the form of notice prescribed by this Act, shall see fit; and (2) such a number as he shall think sufficient and necessary of forms of notice and of public notice of intended marriages, and of certificates and of all other forms necessary to be supplied to the registrars for the purposes of this Act, printed on paper of such shape, size, and quality as the Registrar General shall think most convenient for the purposes of this Act and the service of his department, and the expenses of providing and printing the same shall be defrayed in the manner provided in the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, intituled "An Act to provide for the "better Registration of Births, Deaths, and Marriages in Scotland."

The Registrar General may, with the approval of one of Her Majesty's Principal Secretaries of State, from time to time prescribe rules for the discharge of their duties by registrars under this Act, and as to the hours during which they shall be bound to give attendance for the purposes of this Act, and a copy of all such rules shall be laid before both Houses of Parliament within six weeks after the same are approved of, or if Parliament be not then sitting, within one month of the beginning of the next session of Parliament.

Persons unable to write may sign by a mark.

16. Any person unable to write may duly subscribe any notice, declaration, or other writ under this Act, by adhibiting thereto a cross or other mark in the presence of the registrar, or two witnesses, provided the registrar or witnesses shall duly subscribe a declaration relative to such cross or mark as having been so adhibited by such person in their presence.

The schedules to be part of the Act.

17. The schedules to this Act, and all directions therein contained or specified, or thereto appended, shall be of the same force and effect as if the same were enacted in the body of this Act.

As to alteration of regulations for proclamation of banns.

18. Nothing contained in any statute, law, or custom shall prevent the Church of Scotland as by law established from altering the existing regulations as to proclamation of banns of marriage, and in particular from shortening to any period not less than fifteen clear days the period of residence required in order to such proclamation.

Sections 7, 17.

SCHEDULE A.

FORM NO. 1 [*applicable to the case of notices by parties residing in different parishes or districts or giving separate notices*].

NOTICE OF MARRIAGE.—(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

To the Registrar of the parish (*or* district) of in the county of .

I [*here insert the name of the person giving notice*] give you notice that I and the other person herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.†	Rank or Profession.	Age.	Dwelling Place.	Parish [*or* District] and County in which Parties respectively dwell.

† State whether the person is a bachelor or spinster, widower or widow.

N.B.—The Schedule must set forth all the particulars indicated in regard, first, to the person giving the notice, and, second, to the person with whom the person giving the notice intends to contract marriage.

And I solemnly declare that I believe there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that I have had my usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned parish (*or* district) of

And this I declare, knowing that if the declaration is false I expose myself to the penalties of perjury. In witness whereof I have hereunto set and subscribed my hand, this day of 18 [*Signature.*]

Subscribed and declared by the above-named in the presence of us, the undersigned householders in the above-mentioned parish (*or* district), who declare that we believe the statements contained in this notice to be true.

A.B. [*name and designation*] Witness.
C.D. [*name and designation*] Witness.

FORM NO. 2 [*applicable to the case of parties residing in the same parish or district and giving a single notice*].

NOTICE of MARRIAGE.—(*Pursuant to the Marriage Notice (Scotland) Act*, 1878.)

To the Registrar of the parish (*or* district) of in the county of .

We [*here insert the names of the persons giving notice*] give you notice that we the persons herein named are about to contract marriage; (that is to say,)

Name and Surname.	Condition.†	Rank or Profession.	Age.	Dwelling Place.	Parish [*or* District] and County in which Parties dwell.

And we solemnly declare that we believe there is no impediment of consanguinity or affinity or of age or other lawful hindrance to the said marriage, and that we have had our usual place of abode and residence for the space of fifteen days immediately preceding the date of this notice within the above-mentioned parish (*or* district) of .

And this we declare, knowing that if the declaration is false we expose ourselves to the penalties of perjury. In witness whereof we have hereunto set and subscribed our hands, this day of 18 [*Signatures.*]

Subscribed and declared by the above-named in the presence of us the undersigned householders in the above-mentioned parish (*or* district), who declare that we believe the statements contained in this notice to be true.

A.B. [*name and designation*] Witness.
C.D. [*name and designation*] Witness.

† State whether the person is a bachelor or spinster, widower or widow.

Sections 8, 17.

SCHEDULE B.

PUBLIC NOTICE.

(Pursuant to the Marriage Notice (Scotland) Act, 1878.)

NOTICE has this day been received at this office of marriage as intended to be contracted between the following persons; that is to say,

Between I.	*A.B.* [*here give name and surname, condition, rank, or profession, and place of residence of intending husband*], and *C.D.* [*here give name and surname, condition, rank, or profession, and place of residence of intending wife*].
and	
Between II.	*E.F.* [*here insert same particulars as above*], and *G.H.* [*here insert same particulars as above*].*

All objections to certificates being granted authorising the celebration of these marriages, or any of them, [*or* of this marriage, *when there is only one notice,*] must be lodged with the registrar in writing within seven days from this date by the objector, who must appear personally to declare to the truth thereof.

(Signed) *M.N.*, Registrar.

[*Date of Notice.*]

* One public notice in this form may be made to include all the notices of marriage received at the office in the same day.

Sections 9, 17.

SCHEDULE C.

REGISTRAR'S CERTIFICATE.

(Pursuant to the Marriage Notice (Scotland) Act, 1878.)

FORM NO. 1 [*applicable to the case of the parties residing in different parishes or districts*].

I [*M.N.*] Registrar of hereby certify that on the day of 18 *A.B.* [*here give name, surname, condition, rank, or profession, and place of residence of A.B.,*] duly gave notice to me of his [*or* her] intended marriage to *C.D.* [*give name, surname, condition, &c., of C.D.*], that all the requirements of law in respect of such notice, so far as the said *A.B.* is concerned, have been complied with, and no objection stated [*or*, written statement of objections lodged with me, *as the case may be*].

Certified by me the said *M.N.*, this day of

(Signed) *M.N.*, Registrar.

FORM NO. 2 [*applicable to the case of the parties residing in the same parish or district*].

I [*M.N.*] Registrar of hereby certify that on the day of 18 *A.B.* [*here give name, surname, condition, rank, or profession, and place of residence of A.B.,*] and on the day of 18 , *C.D.* [*here give name, surname, condition, rank, or profession, and place of residence of C.D.*] duly gave notice to me of their intention to contract marriage with each other, and that all the requirements of law in respect of such notices have been complied with, and no objections stated [*or*, written objections lodged with me, *as the case may be*].

Certified by me the said *M.N.*, this day of

(Signed) *M.N.*, Registrar.

SCHEDULE D. Sections 10, 17.

I hereby solemnly declare that the facts as stated by me in the written statement of objections to the marriage intended between *A.B.* and *C.D.*, on which this declaration is indorsed, are true to the best of my knowledge and belief, and I make this declaration knowing that if the declaration is false I expose myself to the penalties of perjury.

(Signed by) *P.Q.*, Objector.

I certify that this declaration was made before me and subscribed in my presence this day of 18 in my office.

M.N., Registrar.

CHAPTER 44.

An Act to make provision for the foundation of a Dean and Chapter for the Bishopric of Truro, and for the transfer to the Cathedral Church of Truro of one of the Canonries in the Cathedral Church of Exeter; and for other purposes connected therewith.

[8th August 1878.]

WHEREAS by the Bishopric of Truro Act, 1876, the Truro Bishopric Endowment Fund is to be held by the Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) upon trust to provide the income therein mentioned and a residence for the Bishop of Truro, and subject thereto for the foundation of a dean and chapter for the bishopric, in such manner as may be from time to time provided by Order in Council: 39 & 40 Vict. c. 54.

And whereas it is expedient to make further provision with reference thereto, and to transfer to the cathedral church of Truro, for the endowment of the chapter thereof, one of the canonries in the cathedral church of Exeter:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Truro Chapter Act, 1878. Short title.

2. When a canonry in the cathedral church of Exeter (other than the one held by the Archdeacon of Exeter) first becomes vacant after the passing of this Act, then at the expiration of twelve months after the quarter day which next follows such vacancy— Transfer of canonry in Exeter to cathedral of Truro.

(1.) The canonry so vacant shall be annexed to the archdeaconry of Exeter, and, save as regards the charge in favour of the archdeaconry of Cornwall, shall be subject to the same laws and customs, particularly those in respect of the income ceasing on the death of the canon, as the canonry is subject to which at the date of the vacancy is annexed to the archdeaconry of Exeter; and

(2.) The canonry which at the said date is annexed to the archdeaconry of Exeter shall be vacated by the person then archdeacon of Exeter, and shall be suspended, and the endowment thereof, with the exception of the house attached thereto, shall be transferred to the dean and

chapter of the cathedral church of Truro, if then founded, and if not, to the Truro Chapter Endowment Fund.

Endowment of chapter of Truro.

3. Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal that the net income of the Truro Chapter Endowment Fund will provide such minimum income as herein-after mentioned for a dean and not less than four residentiary canons, Her Majesty by Order in Council may found a dean and chapter of Truro, and constitute them a body corporate, with all the rights and powers of other cathedral chapters in England, or with such of them as to Her Majesty may seem fit, and may subject them to the jurisdiction of the Bishop of Truro as visitor.

The dean and chapter of Truro, and the endowment thereof, shall be deemed for all purposes to be subject to the same laws as the dean and chapter of any other bishopric in England, and the endowment thereof; and the deanery shall be in the direct patronage of Her Majesty, and every canonry shall be in the patronage of the Bishop of Truro for the time being.

Statutes for the chapter.

4. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, and when made alter and revoke, statutes for the order, rule, and governance of the dean and chapter of Truro, and the members, officers, and endowment thereof.

Income of dean and canons of Truro.

5. For the purposes of this Act the minimum income shall be a net annual income for a dean of one thousand pounds, and for a canon of three hundred pounds, exclusive in both cases of the value of any residence.

Provision for establishment of canons at Truro before foundation of dean and chapter.

6. Whenever from time to time before the foundation of a dean and chapter of Truro the Ecclesiastical Commissioners certify to Her Majesty under their common seal that the income of the Truro Chapter Endowment Fund will provide such minimum income as is mentioned in this Act for any canon or canons, Her Majesty by Order in Council may establish a residentiary canonry or canonries in the cathedral church of Truro, and assign thereto an income not being less than the minimum income, and by the same or any other order from time to time define the duties which an incumbent of any such canonry is to perform in the said cathedral church and in the administration of the diocese of Truro.

Every canonry so established shall be in the patronage of the Bishop of Truro for the time being, and the incumbent of every such canonry shall hold his office by the same tenure as the incumbent of any other canonry in England, and, subject to any exceptions contained in any such Order in Council, the law relating to other canonries in England shall, so far as is consistent with the tenour thereof and with the circumstances of the case, apply to a canonry so established, and to the incumbent thereof.

Trusts of Truro Chapter Endowment Fund.

7. The Truro Chapter Endowment Fund shall be held upon trust for the foundation of a dean and chapter of Truro. There shall be carried to that fund such portion, if any, of the Truro Bishopric Endowment Fund as is applicable for the said trust.

The annual income arising from the Truro Chapter Endowment Fund shall, until the dean and chapter is founded in pursuance of this Act, be applied in paying the incumbent of any canonry established in pursuance of this Act, and, subject to that payment, shall be invested and accumulated as part of the fund.

The Ecclesiastical Commissioners shall have the same power with respect to sale, investment, management, leasing, or other dealing in the case of the fund as they have in the case of the Truro Bishopric Endowment Fund.

Scheme of Ecclesiastical Commissioners approved by Order in Council for carrying into effect the Act.

8. The Ecclesiastical Commissioners may from time to time submit for the approval of Her Majesty in Council a scheme or schemes for all or any of the following matters; namely,

(1.) For the transfer to the dean and chapter of Truro, or the Truro Chapter Endowment Fund, of the endowment of the canonry of Exeter, directed by this Act to be so transferred:

(2.) For transferring to the dean and chapter of Truro, when founded, the Truro Chapter Endowment Fund; and

(3.) For making such provisions and arrangements as may be necessary for carrying into complete effect the said transfers and the foundation of the dean and chapter of Truro and the establishment of any canonry or canonries in the cathedral church of Truro, and this Act and any Order in Council made thereunder, and all matters incidental to anything before in this section mentioned.

The Ecclesiastical Commissioners, in any scheme for transferring to the dean and chapter of Exeter lands in lieu of any annual sum payable to them by the Commissioners, shall keep distinct any land given for the endowment of the canonry of Exeter directed by this Act to be transferred to the dean and chapter of Truro.

Validity and publication of Orders in Council

9. An Order in Council made in pursuance of this Act shall have effect as if it were enacted in this Act.

An Order in Council made in pursuance of this Act shall be published in the "London Gazette," and laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, or if not, within one month after the commencement of the then next session of Parliament.

A scheme made in pursuance of this Act shall be of no effect until it has been approved by Order in Council.

Provision as to archdeaconry of Cornwall.

10. On the first vacancy after the passing of this Act in the archdeaconry of Cornwall, the amount payable to the archdeacon out of the income of the canonry in the cathedral church of Exeter, which is by this Act directed to be transferred to the cathedral church of Truro, shall not exceed two hundred pounds a year, and the residue of the one third of the said income which is now paid to the archdeacon of Cornwall shall be transferred to the dean and chapter of Truro, if then founded, and if not, to the Truro Chapter Endowment Fund.

Save as aforesaid, nothing in this Act shall prejudice the existing application for the benefit of the archdeaconry of Cornwall of one third of the income of the canonry in the cathedral church of Exeter, which is by this Act directed to be transferred to the cathedral church of Truro.

Common fund of Commissioners not applicable to endowment.

11. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of the dean and chapter of Truro, or of any canonry in the cathedral church of Truro, save in so far as relates to the endowment of the canonry of Exeter directed by this Act to be transferred.

CHAPTER 45.

An Act to apply the sum of fourteen millions five hundred thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine.

[8th August 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 14,500,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1879.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine, the sum of fourteen millions five hundred thousand pounds.

Power to the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time, on the credit of the said sum, any sum or sums not exceeding in the whole the sum of fourteen millions five hundred thousand pounds, and shall repay the moneys so borrowed, with interest not exceeding five per cent. per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 4) Act, 1878.

CHAPTER 46.

An Act to enable Her Majesty to provide for the Establishment of His Royal Highness the Duke of Connaught and of Strathearn and Her Royal Highness Princess Louise Margaret Alexandra Victoria Agnes of Prussia, and to settle an Annuity on Her Royal Highness.

[8th August 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, having taken into consideration Your

Majesty's most gracious message that Your Majesty has agreed to a marriage proposed between Your Majesty's third son His Royal Highness Arthur William Patrick Albert Duke of Connaught and of Strathearn and Her Royal Highness the Princess Louise Margaret Alexandra Victoria Agnes, third daughter of His Royal Highness Prince Friedrich Carl Nikolaus of Prussia, do most humbly beseech Your Majesty that it may be enacted:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for Her Majesty to grant an additional annuity of ten thousand pounds for life to Prince Arthur William Patrick Albert Duke of Connaught and of Strathearn.

1. It shall be lawful for Her Majesty in order to provide for the establishment of His Royal Highness Prince Arthur William Patrick Albert Duke of Connaught and of Strathearn and Her Royal Highness Princess Louise Margaret Alexandra Victoria Agnes of Prussia, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland to grant unto His said Royal Highness, or to such persons as Her Majesty may think fit to name in the said letters patent, on trust for His said Royal Highness, and subject to such conditions as Her Majesty may direct, an annuity of ten thousand pounds for life; such annuity to commence from the date of the marriage of His said Royal Highness, to be free from all taxes, assessments, and charges, and to be paid quarterly on the fifth day of January, the fifth day of April, the fifth day of July, and the tenth day of October, and to be in addition to the annuity heretofore granted to him by Parliament.

Payment of proportionate part of annuity.

2. The first payment of such portion of the said annuity as may have accrued between the date of the said marriage and the first of the said quarterly days which happens after the said marriage shall be made on such last-mentioned quarterly day, and a proportionate part shall be payable for the period between the last quarterly day of payment and the date of the determination thereof: provided that in the event of His said Royal Highness succeeding to any sovereignty or principality abroad, it shall be lawful for Her Majesty or her successors, with the consent of Parliament, to revoke or reduce the said annuity by warrant under the sign manual.

Power for Her Majesty to grant an annuity of six thousand pounds to Her said Royal Highness in the event of her surviving His Royal Highness the Duke of Connaught and of Strathearn.

3. It shall be lawful for Her Majesty or her successors, by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, to grant to Her said Royal Highness in case of her surviving His said Royal Highness, or to such persons as Her Majesty or her successors may think fit to name in the said letters patent, on trust for Her said Royal Highness in the event of her so surviving, an annuity of six thousand pounds, to commence from the date of the death of His said Royal Highness and to continue from thenceforth during the life of Her said Royal Highness, and to be payable on the quarterly days aforesaid, the first payment to be made on such of the said quarterly days as happens next after the death of His said Royal Highness of such portion of the said annuity as may have accrued between the date of the said death and the said quarterly day; and a proportionate part thereof to be payable for the period from the last quarterly day of payment to the date of the determination thereof.

Annuities granted by this Act to be charged on the Consolidated Fund.

4. The annuities granted in pursuance of this Act shall, if Her Majesty think fit so to direct, be personal and inalienable provisions, and the same shall be charged on and payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof, after paying and reserving sufficient to pay such sums as may have been directed to be paid out of the said fund by former Acts of Parliament, but with preference to all other payments which may hereafter be charged on the said fund.

Short title.

5. This Act may be cited as the Duke of Connaught and of Strathearn (Establishment) Act, 1878.

CHAPTER 47.

An Act to enable the Trustees of the Elders Widows' Fund to apply the Capital of the said Fund in aid of Income; and for other purposes in relation thereto. [8th August 1878.]

WHEREAS in the year one thousand eight hundred and twenty a fund, commonly known as "The Elders Widows' Fund," was established for the relief of the widows and orphans of persons employed in the Extra Department of the Home Service of the East India Company:

And whereas upon the establishment of the said fund the East India Company agreed to grant a contribution of one thousand pounds a year in aid of the fund, and such contribution is now payable by the Secretary of State for India in Council:

And whereas for some years after the establishment of the said fund the income thereof was more than sufficient to meet its current liabilities, and the surplus income was accordingly invested and accumulated for the benefit of the fund:

And whereas in the year one thousand eight hundred and thirty-four it was apprehended that, by reason of reductions in the home establishment of the East India Company, consequent upon the Act of the third and fourth William the Fourth, chapter eighty-five, the said fund would prove inadequate to meet the payments provided for by the then existing regulations thereof, and thereupon, at the request of the trustees of the said fund, it was resolved by the Court of Directors of the East India Company, with the sanction of the Commissioners for the Affairs of India, that the deficiency should be made good by the East India Company as compensation under the seventh section of the said Act, on condition that, if the capital of the said fund and the income thereof from interest and subscriptions should be more than sufficient to provide for the permanent charge of pensions, the excess should be appropriated, so far as it would go, to repay to the East India Company the advances which they might make under that arrangement, together with interest:

And whereas on the seventeenth of May one thousand eight hundred and sixty the said fund was closed, and since that date no fresh subscribers have been admitted:

And whereas the advances made by the East India Company and the Secretary of State for India in Council, under the said arrangement of one thousand eight hundred and thirty-four, have amounted to upwards of nineteen thousand pounds:

And whereas the invested capital of the said fund standing in the names of the trustees thereof now consists of the sum of twenty-two thousand eight hundred and sixty-three pounds nine shillings and fourpence New Three per Cent. Annuities:

And whereas the Secretary of State for India in Council has lately caused an investigation to be made into the assets and liabilities of the said fund, and it appears by the report of the actuary employed in such investigation that, if the annual contribution in aid of the fund payable by the Secretary of State for India in Council be reduced to five hundred pounds a year, the trustees of the said fund will probably be able to meet all the liabilities thereof by means of the income of the fund and the appropriation from time to time of portions of the invested capital thereof:

And whereas in the year one thousand eight hundred and seventy-seven a fund, entitled the India Office Provident Fund, was established for the relief of the widows and orphans of persons on the permanent home establishment of the Secretary of State for India in Council, and it was provided by the rules of the said fund that the subscribers to the Elders Widows' Fund who were in the service at the date of the establishment of the Provident Fund should be entitled to become subscribers to the Provident Fund in case an Act of Parliament should be passed enabling the trustees of the Elders Widows' Fund to transfer to the account of the Provident Fund such a portion of the invested capital of the Elders Widows' Fund as should, in the opinion of an actuary to be named by the Secretary of State for India in Council, represent the claims on the Elders Widows' Fund, as upon the twenty-sixth of March one thousand eight hundred and seventy-seven, of the subscribers to that fund who might have elected to become subscribers to the Provident Fund, and that upon such transfer being made, the latter fund should alone be liable for the payment of pensions to the widows and orphans of the subscribers to the Elders Widows' Fund who should have elected to become subscribers to the Provident Fund:

And whereas thirty-six subscribers to the Elders Widows' Fund have elected to become subscribers to the Provident Fund, and a valuation has accordingly been made of their claims upon the Elders Widows' Fund as upon the twenty-sixth of March one thousand eight hundred and seventy-seven, and such valuation amounts to the sum of three thousand three hundred and seventeen pounds eight shillings and sixpence:

And whereas it is expedient that provision should be made for the transfer to the account of the Provident Fund of the said sum of three thousand three hundred and seventeen pounds eight shillings and sixpence, together with interest thereon at the rate of four pounds per cent. per annum from the twenty-sixth of March one thousand eight hundred and seventy-seven to the date of the passing of this Act, and for the gradual extinction of the invested capital of the Elders Widows' Fund, with due regard to all existing interests, and for the transfer to the Secretary of State for India

in Council of the ultimate surplus, if any, of the invested capital of that fund, after answering all the liabilities thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Trustees of the fund to transfer to Provident Fund 3,317*l.* 8*s.* 6*d.*, with interest.

1. The trustees of the Elders Widows' Fund shall, upon the passing of this Act, transfer to the account of the India Office Provident Fund so much of the said sum of twenty-two thousand eight hundred and sixty-three pounds nine shillings and fourpence New Three per Cent. Annuities, now standing in their names, as shall be equivalent, at the medium price of the day of the passing of this Act, to the said sum of three thousand three hundred and seventeen pounds eight shillings and sixpence, with interest thereon at the rate aforesaid from the twenty-sixth of March one thousand eight hundred and seventy-seven to the date of the passing of this Act.

Upon such transfer Provident Fund to be alone liable.

2. Upon such transfer being made, the India Office Provident Fund shall alone be liable to the claims of those subscribers to the Elders Widows' Fund who have elected to subscribe to the India Office Provident Fund.

Annual contribution of Secretary of State in Council to be reduced to 500*l.*

3. The annual contribution in aid of the Elders Widows' Fund payable by the Secretary of State for India in Council shall be reduced to five hundred pounds a year as from the thirty-first of March one thousand eight hundred and seventy-eight.

Trustees empowered to raise, by sale of invested capital, sufficient to meet liabilities.

4. The trustees of the Elders Widows' Fund shall from time to time, until the liabilities of the said fund are satisfied or the invested capital thereof is exhausted, raise, by sale of sufficient portions of such invested capital, such an amount as may be from time to time required, in addition to the income of the fund, to meet the current liabilities thereof.

Ultimate surplus to be transferred to the Secretary of State in Council.

5. Any ultimate surplus which may remain in the hands of the trustees of the Elders Widows' Fund, after satisfying all the liabilities thereof, shall be transferred and paid to the Secretary of State for India in Council as part of the revenues of India.

In case capital should be exhausted, Secretary of State in Council to meet liabilities.

6. In case the invested capital of the Elders Widows' Fund shall be exhausted before all the liabilities thereof are satisfied, the Secretary of State for India in Council shall from time to time, out of the revenues of India, pay to the trustees of the said fund such sums or sum as may be required to make good the deficiency in accordance with the said resolution of one thousand eight hundred and thirty-four, and to enable the said trustees from time to time to meet the current liabilities of the said fund.

CHAPTER 48.

An Act to amend the Law relating to Endowed Schools and Hospitals and other Endowed Institutions in Scotland; and for other purposes. [8th August 1878.]

WHEREAS there are numerous endowed schools and hospitals and other endowed institutions in Scotland, and it is expedient that provision should be made to enable the governors, managers,

trustees, or other governing body thereof to apply for and obtain from Parliament power and authority whereby changes may be made in the government and management of the said schools, hospitals, and institutions, or in the application of their endowments, and at the same time provision may be made for upholding the standard of education which has hitherto been maintained in Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Endowed Institutions (Scotland) Act, 1878.

Application of Act.

2. This Act shall apply to Scotland only.

Interpretation of terms.

3. In this Act, unless the context otherwise requires, the following words and expressions have the meanings hereby assigned to them; viz.,

"Secretary of State" means any one of Her Majesty's Principal Secretaries of State:

"Governing body" includes governors, managers, trustees, school boards, or other person or persons, corporate or unincorporate, having, otherwise than as teacher or master, the right of holding any endowment, or any power of government of or management over any endowed institution:

"Endowed institution" means a school, hospital, or other institution wholly or partly maintained by means of any endowment, and includes a mortification or bequest for educational or charitable uses, or for uses partly educational and partly charitable, or for the establishment or maintenance of a public library:

"Endowment" means any description of property, heritable or moveable, which is dedicated to educational, literary, or charitable uses, or to uses partly educational and partly charitable, or for the establishment, management, and maintenance of a public library, in whomsoever such property may be vested, in whosesoever name it may be standing, or by whatsoever tenure or title it may be held:

"Scotch Education Department" means the Lords of the Committee of the Privy Council on Education in Scotland:

"The Commissioners" means the Commissioners herein-after appointed, and "Commissioner" means one of such Commissioners.

Governing body may resolve to apply for a provisional order.

4. It shall be lawful for the governing body of any endowed institution in Scotland, at a meeting specially called for the purpose at a month's notice, to resolve, by a majority of those present at the meeting, that it is expedient that provision should be made for the better government and administration of such institution, or for the better application of the endowments thereof, or for the transference of such institution and the endowments thereof, and that an application should be made to the Secretary of State for a provisional order.

Governing body may present petition to

5. On the foresaid resolution being carried, it shall be lawful for the said governing body to present a petition to the Secretary of State, setting out such resolution, and stating the provisions for the

Secretary of State.

better government and administration of such institution, or the better application of the endowments thereof, which they desire to have sanctioned. Upon receipt of any such petition as aforesaid the Secretary of State may, if he shall think fit, direct such petition to be published in the Edinburgh Gazette in two consecutive numbers thereof, and in one or more newspapers circulating in the county or counties where such institution is situated, with a view to further inquiry.

Commissioners may inquire and report to Secretary of State.

6. The Secretary of State may, if he shall think fit, by writing under his hand, remit to the Commissioners herein-after mentioned to inquire into the said petition and report thereon to the said Secretary of State; and for the purposes of such inquiry, which shall be held in public, the said Commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such information from, and to require the production of such documents by, the governing body, or any other persons, as they may consider necessary, and to do all such matters and things as may seem to them expedient for the purposes of the inquiry. After the holding of such inquiry the Commissioners shall report to the Secretary of State as to whether, in their opinion, the provisional order prayed for should be made, and if so, with what, if any, alterations or modifications therein.

Power to Secretary of State to issue provisional order.

7. It shall be lawful for the Secretary of State to issue a provisional order in relation to the several things mentioned in the foresaid petition, either in accordance therewith, or with such alterations or modifications, not being inconsistent with the general principles thereof, as may appear to him to be requisite, or otherwise to refuse to issue such provisional order.

Provided always, that in every such provisional order provision shall be made for saving or making due compensation for the vested interests to which any teacher, master, officer, scholar, bursar, exhibitioner, pensioner, or other shall be entitled at the date of such order.

Provided also, that if the provisional order shall contain any alterations or modifications as aforesaid, the Secretary of State shall before signing the order cause a copy of it to be sent to the governing body, who may, if they think fit, state in writing to the Secretary of State any objections or suggestions respecting such order within one month after the copy thereof was sent to the governing body; and the Secretary of State shall, if he think fit, remit to the Commissioners to report on such objections and suggestions, and shall consider the same together with the report of the Commissioners.

Provisional order to be laid before Parliament.

8. The provisional order aforesaid shall not have any effect or operation unless and until the same has been laid before both Houses of Parliament; and it shall be lawful for the Secretary of State, and he is hereby required, as soon as conveniently may be, to cause such provisional order to be laid before both Houses of Parliament; and after such provisional order has lain forty days before Parliament, then, unless within such forty days a resolution has been adopted by one or other of the said Houses disapproving of the said order, such provisional order shall come into operation.

Several governing bodies

9. It shall be lawful for the governing bodies of two or more endowed institutions to concur in applying for a provisional order

under this Act, and such order may provide for the union of such institutions or for the application of their endowments or part thereof under a governing body to be constituted by such order. may concur in applying for provisional order.

10. It shall be lawful for the governing body of an endowed institution to apply for a provisional order, and such order may provide for the transference of the institution and the endowments of such institution or part thereof to the governing body of one or more other endowed institutions, or to one or more school boards, subject to the provisions contained in such order. Governing body may apply for transference of endowments.

11. The Commissioners shall submit for the consideration of the Scotch Education Department the conditions according to which, in their opinion, the parliamentary grant for public education in Scotland may be most advantageously distributed for the purpose of promoting education in the higher branches of knowledge in public and State-aided schools, especially in those districts in which there are no higher class public schools: Provided always, that the duty of determining from time to time the rates and conditions according to which the said grants may be given, and of framing, and from time to time revising the minutes containing the same, shall be upon the Scotch Education Department. Commissioners to submit conditions of distribution of parliamentary grant with view to promotion of higher education.

12. For the purposes of this Act it shall be lawful for Her Majesty from time to time, on the recommendation of the Secretary of State, to appoint Commissioners to hold office during Her Majesty's pleasure, but the number of such Commissioners shall not at any one time exceed seven. Commissioners to be appointed.

The office and general place of business of the Commissioners shall be in Edinburgh; but the Commissioners may from time to time appoint any one or more of their number to hold an inquiry in terms of this Act, and to visit such places as may be necessary for that purpose. Any Commissioner or Commissioners so appointed shall have and may exercise all the powers of the Commissioners, except that of reporting to the Secretary of State.

Her Majesty may, on the recommendation of the Secretary of State, from time to time appoint a fit person to be Secretary to the Commissioners, to hold office at Her Majesty's pleasure; and the Commissioners may appoint such necessary clerks and officers as shall be sanctioned by the Commissioners of Her Majesty's Treasury to hold office during the pleasure of the Commissioners.

The Commissioners of Her Majesty's Treasury may assign to the secretary, clerks, and officers such salaries as they may think proper.

The salaries paid under this Act, together with the whole expenses of the Commissioners and of their establishment, and reasonable travelling expenses, shall be defrayed out of moneys to be voted by Parliament.

Provided that such Commissioners shall receive no remuneration except for such reasonable travelling or other expenses as may be incurred in the discharge of their duties under this Act.

13. The Commissioners shall once in each year make a report to Her Majesty of their proceedings under this Act during the past year, and such report shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament is then Commissioners to report.

sitting, and if not, then within fourteen days after the next meeting of Parliament.

Saving powers of governing bodies under special Acts, &c.

14. Nothing herein contained shall be held to limit any of the powers presently enjoyed by any governing body under any Act of Parliament, or provisional order, or charter, or by the foundation grant of the endowed institution under their government.

Commencement and duration of Act.

15. Save as regards the appointment of Commissioners, which may be made at any time after the passing hereof, this Act shall commence to have effect on the first day of October one thousand eight hundred and seventy-eight, and shall be in force until the thirty-first day of December one thousand eight hundred and eighty: Provided that it shall be lawful for Her Majesty in Council, if special cause be shown, to continue this Act in force with respect to any endowed institution until the thirty-first day of July one thousand eight hundred and eighty-one.

CHAPTER 49.

An Act to consolidate the Law relating to Weights and Measures. [8th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Weights and Measures Act, 1878.

Commencement.

2. This Act shall not come into operation until the first day of January one thousand eight hundred and seventy-nine, which day is herein-after referred to as the commencement of this Act.

I.—LAW OF WEIGHTS AND MEASURES.

Uniformity of Weights and Measures.

Uniformity of weights and measures.

3. The same weights and measures shall be used throughout the United Kingdom.

Standards of Measure and Weight.

Imperial standards of measure and weight.

4. The bronze bar and the platinum weight, more particularly described in the first part of the First Schedule to this Act, and at the passing of this Act deposited in the Standards Department of the Board of Trade in the custody of the Warden of the Standards, shall continue to be the imperial standards of measure and weight, and the said bronze bar shall continue to be the imperial standard for determining the imperial standard yard for the United Kingdom, and the said platinum weight shall continue to be the imperial standard for determining the imperial standard pound for the United Kingdom.

Parliamentary copies of imperial standards.

5. The four copies of the imperial standards of measure and weight, described in the second part of the First Schedule to this Act, and deposited as therein mentioned, shall be deemed to be parliamentary copies of the said imperial standards.

The Board of Trade shall as soon as may be after the commencement of this Act cause an accurate copy of the imperial standard of measure and an accurate copy of the imperial standard of weight to be made of the same form and material as the said standards, and it shall be lawful for Her Majesty in Council, on the representation of the Board of Trade, to approve the copies so made, and the copies when so approved shall be of the same effect as the said parliamentary copies, and are in this Act included under the name parliamentary copies of the imperial standards of measure and weight.

Restoration of imperial standards.

6. If at any time either of the imperial standards of measure and weight is lost or in any manner destroyed, defaced, or otherwise injured, the Board of Trade may cause the same to be restored by reference to or adoption of any of the parliamentary copies of that standard, or of such of them as may remain available for that purpose.

Restoration of parliamentary copies.

7. If at any time any of the parliamentary copies of either of the imperial standards is lost or in any manner destroyed, defaced, or otherwise injured, the Board of Trade may cause the same to be restored by reference either to the corresponding imperial standard, or to one of the other parliamentary copies of that standard.

Secondary (Board of Trade) standards of measure and weight.

8. The secondary standards of measure and weight which, having been derived from the imperial standards, are at the commencement of this Act in use under the direction of the Board of Trade, and are mentioned in the Second Schedule to this Act, and no others (save as herein-after mentioned), shall be secondary standards of measure and weight, and shall be called Board of Trade standards.

If at any time any of such standards is lost or in any manner destroyed, defaced, or otherwise injured, the Board of Trade may cause the same to be restored by reference either to one of the imperial standards or to one of the parliamentary copies of those standards.

The Board of Trade shall from time to time cause such new denominations of standards, being either equivalent to or multiples or aliquot parts of the imperial weights and measures ascertained by this Act, or being equivalent to or multiples of each coin of the realm for the time being, as appear to them to be required, in addition to those mentioned in the Second Schedule to this Act, to be made and duly verified, and those new denominations of standards when approved by Her Majesty in Council shall be Board of Trade standards in like manner as if they were mentioned in the said schedule.

It shall be lawful for Her Majesty by Order in Council to declare that a Board of Trade standard for the time being of any denomination, whether mentioned in the said schedule or approved by Order in Council, shall cease to be such a standard.

Such standards of the Board of Trade as are equivalent to or multiples of any coin of the realm for the time being shall be standard weights for determining the justness of the weight of and for weighing such coin.

Local standards of measure and weight.

9. The standards of measure and weight which are at the commencement of this Act legally in use by inspectors of weights and measures for the purpose of verification or inspection, and all copies of the Board of Trade standards which after the commencement of this Act are compared with those standards and verified by the Board of Trade for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification or inspection of weights and measures, shall be called local standards.

Imperial Measures of Length.

Imperial standard yard.

10. The staight line or distance between the centres of the two gold plugs or pins (as mentioned in the First Schedule to this Act) in the bronze bar by this Act declared to be the imperial standard for determining the imperial standard yard measured when the bar is at the temperature of sixty-two degrees of Fahrenheit's thermometer, and when it is supported on bronze rollers placed under it in such manner as best to avoid flexure of the bar, and to facilitate its free expansion and contraction from variations of temperature, shall be the legal standard measure of length, and shall be called the imperial standard yard, and shall be the only unit or standard measure of extension from which all other measures of extension, whether linear superficial or solid, shall be ascertained.

Linear measures derived from imperial standard yard.

11. One third part of the imperial standard yard shall be a foot, and the twelfth part of such foot shall be an inch, and the rod, pole, or perch in length shall contain five such yards and a half, and the chain shall contain twenty-two such yards, the furlong two hundred and twenty such yards, and the mile one thousand seven hundred and sixty such yards.

Superficial measures derived from the imperial standard yard.

12. The rood of land shall contain one thousand two hundred and ten square yards according to the imperial standard yard, and the acre of land shall contain four thousand eight hundred and forty such square yards, being one hundred and sixty square rods, poles, or perches.

Imperial Measures of Weight and Capacity.

Imperial standard pound.

13. The weight in vacuô of the platinum weight (mentioned in the First Schedule to this Act), and by this Act declared to be the imperial standard for determining the imperial standard pound, shall be the legal standard measure of weight, and of measure having reference to weight, and shall be called the imperial standard pound, and shall be the only unit or standard measure of weight from which all other weights and all measures having reference to weight shall be ascertained.

Imperial weights derived from imperial standard pound.

14. One sixteenth part of the imperial standard pound shall be an ounce, and one sixteenth part of such ounce shall be a dram, and one seven thousandth part of the imperial standard pound shall be a grain.

A stone shall consist of fourteen imperial standard pounds, and a hundredweight shall consist of eight such stones, and a ton shall consist of twenty such hundredweights.

Four hundred and eighty grains shall be an ounce troy.

All the foregoing weights except the ounce troy shall be deemed to be avoirdupois weights.

Imperial measures of capacity.

15. The unit or standard measure of capacity from which all other measures of capacity, as well for liquids as for dry goods, shall be derived, shall be the gallon containing ten imperial standard pounds weight of distilled water weighed in air against brass weights, with the water and the air at the temperature of sixty-two degrees of Fahrenheit's thermometer, and with the barometer at thirty inches.

The quart shall be one fourth part of the gallon, and the pint shall be one eighth part of the gallon.

Two gallons shall be a peck, and eight gallons shall be a bushel, and eight such bushels shall be a quarter, and thirty-six such bushels shall be a chaldron.

Measure of capacity for goods formerly sold by heaped measure. 5 & 6 Will. 4. c. 63.

16. A bushel for the sale of any of the following articles, namely, lime, fish, potatoes, fruit, or any other goods and things which before (the passing of the Weights and Measures Act, 1835, that is to say) the ninth day of September one thousand eight hundred and thirty-five, were commonly sold by heaped measure, shall be a hollow cylinder having a plane base, the internal diameter of which shall be double the internal depth, and every measure used for the sale of any of the above-mentioned articles which is a multiple of a bushel, or is a half bushel or a peck, shall be made of the same shape and proportion as the above-mentioned bushel.

Measure of capacity when used to be stricken or filled up.

17. In using an imperial measure of capacity, the same shall not be heaped, but either shall be stricken with a round stick or roller, straight and of the same diameter from end to end, or if the article sold cannot from its size or shape be conveniently stricken shall be filled in all parts as nearly to the level of the brim as the size and shape of the article will admit.

Metric Equivalents of Imperial Weights and Measures.

Equivalents of metric weights and measures in terms of imperial weights and measures.

18. The table in the Third Schedule to this Act shall be deemed to set forth the equivalents of imperial weights and measures and of the weights and measures therein expressed in terms of the metric system, and such table may be lawfully used for computing and expressing, in weights and measures, weights and measures of the metric system.

Use of Imperial Weights and Measures.

Trade contracts, sales, dealings, &c. to be in terms of imperial weights or measures.

19. Every contract, bargain, sale, or dealing, made or had in the United Kingdom for any work goods wares or merchandise or other thing which has been or is to be done, sold, delivered, carried, or agreed for by weight or measure, shall be deemed to be made and had according to one of the imperial weights or measures ascertained by this Act, or to some multiple or part thereof, and if not so made or had shall be void; and all tolls and duties charged or collected according to weight or measure shall be charged and collected according to one of the imperial weights or measures ascertained by this Act, or to some multiple or part thereof.

Such contract, bargain, sale, dealing, and collection of tolls and duties as is in this section mentioned is in this Act referred to under the term "trade."

No local or customary measures, nor the use of the heaped measure, shall be lawful.

Any person who sells by any denomination of weight or measure other than one of the imperial weights or measures, or some multiple or part thereof, shall be liable to a fine not exceeding forty shillings for every such sale.

Sale by avoirdupois weight, with exceptions.

20. All articles sold by weight shall be sold by avoirdupois weight; except that—

(1.) Gold and silver, and articles made thereof, including gold and silver thread, lace, or fringe, also platinum, diamonds, and other precious metals or stones, may be sold by the ounce troy or by any decimal parts of such ounce; and all contracts, bargains, sales, and dealings in relation thereto shall be deemed to be made and had by such weight, and when so made or had shall be valid; and

(2.) Drugs, when sold by retail, may be sold by apothecaries weight.

Every person who acts in contravention of this section shall be liable to a fine not exceeding five pounds.

Exception for contract, &c. in metric weights and measures.

21. A contract or dealing shall not be invalid or open to objection on the ground that the weights or measures expressed or referred to therein are weights or measures of the metric system, or on the ground that decimal subdivisions of imperial weights and measures, whether metric or otherwise, are used in such contract or dealing.

Exception for sale of article in vessel not represented as being of imperial or local measure.

22. Nothing in this Act shall prevent the sale, or subject a person to a fine under this Act for the sale, of an article in any vessel, where such vessel is not represented as containing any amount of imperial measure, nor subject a person to a fine under this Act for the possession of a vessel where it is shown that such vessel is not used nor intended for use as a measure.

Penalty on price lists, &c. denoting greater or less weight or measure than the same denomination of imperial weight or measure.

23. Any person who prints, and any clerk of a market or other person who makes, any return, price list, price current, or any journal or other paper containing price list or price current, in which the denomination of weights and measures quoted or referred to denotes or implies a greater or less weight or measure than is denoted or implied by the same denomination of the imperial weights and measures under this Act, shall be liable to a fine not exceeding ten shillings for every copy of every such return, price list, price current, journal, or other paper which he publishes.

Penalty on use or possession of unauthorised weight or measure.

24. Every person who uses or has in his possession for use for trade a weight or measure which is not of the denomination of some Board of Trade standard, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and the weight or measure shall be liable to be forfeited.

Unjust Weights and Measures.

Penalty on use or possession of unjust measures, weights, balances, or weighing machines.

25. Every person who uses or has in his possession for use for trade any weight measure scale balance steelyard or weighing machine which is false or unjust, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and any contract bargain sale or dealing made by the same shall be void, and the weight measure scale balance or steelyard shall be liable to be forfeited.

26. Where any fraud is wilfully committed in the using of any weight measure scale balance steelyard or weighing machine, the person committing such fraud, and every person party to the fraud, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and the weight measure scale balance or steelyard shall be liable to be forfeited. Penalty for fraud in use of weight, measure, balance, &c.

weighing paper with sugar — no offence under sect. for "other." Stone v. Tyler 1905 1 K.B. 290.

27. A person shall not wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust weight measure scale balance steelyard or weighing machine. Penalty on sale of false weight, measure, balance, &c.

Every person who acts in contravention of this section shall be liable to a fine not exceeding ten pounds, or in the case of a second offence fifty pounds.

Stamping and Verification of Weights and Measures.

28. Every weight, except where the small size of the weight renders it impracticable, shall have the denomination of such weight stamped on the top or side thereof in legible figures and letters. Stamping of weights and measures with denomination.

Every measure of capacity shall have the denomination thereof stamped on the outside of such measure in legible figures and letters.

A weight or measure not in conformity with this section shall not be stamped with such stamp of verification under this Act as is herein-after mentioned.

29. Every measure and weight whatsoever used for trade shall be verified and stamped by an inspector with a stamp of verification under this Act. Stamping of verification on measures and weights.

Every person who uses or has in his possession for use for trade any measure or weight not stamped as required by this section, shall be liable to a fine not exceeding five pounds, or in the case of a second offence ten pounds, and shall be liable to forfeit the said measure or weight, and any contract bargain sale or dealing made

HTS AND MEASURES — *Weighing Machine — Weight indicated* mixture thereof, Lead or pewter weights.
ceeding Weight of Article sold—Acquiescence of Purchaser— r used for trade,
False or Unjust"—Weights and Measures Act, 1878 (41 & 42
ict. c. 49), *s.* 25.

brass copper or

The respondents, who were wholesale tea merchants, were harged under s. 25 of the Weights and Measures Act, 1878, with sing for trade two scales which were false or unjust. One of the ales (which were used for weighing tea) had a small metal disc fixed by wire to the arm of the scale on which the scoop for eighing the tea was placed, the disc being approximately quivalent in weight to the paper bag in which each quantity of a was to be put; the effect was to make the quantity of tea quired to turn the scale less by the weight of the metal disc an the weight on the opposite side of the scale. The second achine had, instead of a metal disc, a paper bag placed under the oop in which the tea was placed for weighing; the effect was the me. After being weighed the tea was placed in paper bags. a was so weighed out only for retail dealers who requested to be pplied with it so packed, and who supplied the paper bags in ich it was to be packed to the respondents; each of the bags d printed on it an intimation that the weight of the paper was cluded. Directions were given by the respondents to their vants not to use scales with a metal disc or paper bag attached any customers other than such retail dealers:—

ent the insertion
s bonâ fide neces-
thereon the stamp

obedience to the
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ids.

the weight of the Stamping of verification on weights for coin.
ified and stamped
on under this Act,
for determining

y this section not
ot exceeding fifty

Held, that the scales, being kept in a condition in which they tamp used for the Forgery, &c. of stamps on
uld not weigh accurately that which was put in them to be ght, or used before
ighed, were "false or unjust" within the meaning of the section,
withstanding the acquiescence of the purchasers in the mode of
ighing.

LONDON COUNTY COUNCIL *v.* PAYNE & Co 1904 1 K.B. 194 Div. Ct.

measures or weights.

the commencement of this Act for the stamping of any measure or weight, under any enactment repealed by this Act, or wilfully increases or diminishes a weight so stamped, he shall be liable to a fine not exceeding fifty pounds.

Any person who knowingly uses, sells, utters, disposes of, or exposes for sale any measure or weight with such forged or counterfeit stamp thereon, or a weight so increased or diminished, shall be liable to a fine not exceeding ten pounds.

All measures and weights with any such forged or counterfeit stamp shall be forfeited.

II.—ADMINISTRATION.

(a.) *Central.*

Board of Trade.

Powers and duties of Board of Trade as to standards of weights and measures, &c.

33. The Board of Trade shall have all such powers and perform all such duties relative to standards of measure and weight, and to weights and measures, as are by any Act or otherwise vested in or imposed on the Treasury, or the Comptroller-General of the Exchequer, or the Warden of the Standards; and all things done by the Board of Trade, or any of their officers, or at their office, in relation to standards of weights and measures in pursuance of this Act shall be as valid, and have the like effect and consequences, as if the same had been done by the Treasury, or by the Comptroller-General or other officer of the Exchequer, or by the Warden of the Standards, or at the office of the Exchequer.

It shall be the duty of the Board of Trade to conduct all such comparisons, verifications, and other operations with reference to standards of measure and weight, in aid of scientific researches or otherwise, as the Board of Trade from time to time thinks expedient, and to make from time to time a report to Parliament on their proceedings and business under this Act.

Custody and Verification of Standards and Copies.

Custody of imperial and Board of Trade standards to remain with Board of Trade.

34. The imperial standards of measure and weight, the Board of Trade standards of measure and weight, and all balances, apparatus, books, documents, and things used in connexion therewith or relating thereto, deposited at the passing of this Act in the Standards Department, or in any other office of the Board of Trade, shall remain and be in the custody of the Board of Trade.

Custody and periodical verification of parliamentary copies of imperial standards.

35. The parliamentary copies of the imperial standards of measure and weight mentioned in part two of the First Schedule to this Act shall continue to be deposited as therein mentioned.

The copies of the imperial standards of measure and weight made in pursuance of this Act, when approved by Her Majesty in Council, shall be deposited at some office of the Board of Trade, and be in the custody of the Board of Trade.

The Board of Trade shall cause the parliamentary copies of the imperial standards of measure and weight, except the copy immured in the new palace at Westminster, to be compared once in every ten years with each other, and once in every twenty years with the imperial standards of measure and weight.

36. Once at least in every five years the Board of Trade shall cause the Board of Trade standards for the time being to be compared with the parliamentary copies of the imperial standards of measure and weight made and approved in pursuance of this Act and with each other, and to be adjusted or renewed, if requisite. Periodical verification of Board of Trade standards.

37. The Board of Trade shall cause to be compared with the Board of Trade standards and verified at such place as the Board of Trade in each case direct all copies of any of those standards which are submitted for the purpose by any local authority, and have been used or are intended to be used as local standards, and if they find the same fit for the purpose of being used by inspectors of weights and measures under this Act as standards for the verification and inspection of weights and measures, shall cause them to be stamped as verified or re-verified in such manner as to show the date of such verification or re-verification, and every such verification shall be evidenced by an indenture, and every such re-verification shall be evidenced by an indorsement upon the original indenture of verification, or by a new indenture of verification. Verification by Board of Trade of local standards.

Any such indenture or indorsement, if purporting to be signed (either before or after the passing of this Act) by an officer of the Board of Trade, shall be evidence of the verification or re-verification of the weights and measures therein refered to.

Any such indenture or indorsement shall not be liable to stamp duty, nor shall any fee be payable on the verification or re-verification of any local standard.

An account shall be kept by the Board of Trade of all local standards verified or reverified.

38. Whereas the Board of Trade have obtained accurate copies of the metric standards mentioned in part two of the Third Schedule to this Act, and it is expedient to make the provision herein-after mentioned for the verification of metric weights and measures, be it therefore enacted as follows: Power of Board of Trade to verify metric weights and measures.

The Board of Trade may, if they think fit, cause to be compared with the metric standards in their custody and verified all metric weights and measures which are submitted to them for the purpose, and are of such shape and construction as may be from time to time in that behalf directed by the Board of Trade, and which the Board of Trade are satisfied are intended to be used for the purpose of science or of manufacture, or for any lawful purpose not being for the purpose of trade within the meaning of this Act.

39. The Board of Trade, on payment of such fee, not exceeding five shillings, as they from time to time prescribe, shall cause all coin weights required by this Act to be verified, to be compared with the standard weights for weighing coin, and, if found to be just, stamped with a mark approved of by the Board, and notified in the London Gazette. Verification and stamping of coin weights.

All fees under this section shall be paid into the Exchequer.

(b.) *Local Administration.*

Local Standards.

40. The local authority (mentioned in the Fourth Schedule to this Act) of every county and borough from time to time shall Provision of local standards

by local authority.

provide such local standards of measure and weight as they deem requisite for the purpose of the comparison by way of verification or inspection, in accordance with this Act, of all weights and measures in use in their county or borough, and shall fix the places at which such standards are to be deposited.

The said local authority shall also provide from time to time proper means for verifying weights and measures by comparison with the local standards of such authority and for stamping the weights and measures so verified.

Periodical verification of local standards.

41. A local standard of weight shall not be deemed legal nor be used for the purposes of this Act unless it has been verified or re-verified within five years before the time at which it is used.

A local standard of measure shall not be deemed legal nor be used for the purposes of this Act unless it has been verified or re-verified within ten years before the time at which it is used.

A local standard of weight or measure which has become defective in consequence of any wear or accident, or has been mended, shall not be legal nor be used for the purpose of this Act until it has been re-verified by the Board of Trade.

A local standard may, save as aforesaid, be re-verified, for the purpose of this section, by such local comparison thereof as is herein-after mentioned, if on that local comparison it is found correct, but otherwise shall be, and in any case may be, re-verified by the Board of Trade.

A local comparison of a local standard shall be made by an inspector of weights and measures for the county or borough in which such standard is used comparing the same, in the presence of a justice of the peace, with some other local standard which has been verified or re-verified by the Board of Trade, in the case of a weight within the previous five years, and in the case of a measure within the previous ten years.

Upon a local comparison where the local standard is found correct the justice shall sign an indorsement upon the indenture of verification of that standard, stating such local comparison and verification, and the error, if any, found thereon, and the indorsement so signed shall be transmitted to the Board of Trade to be recorded in the account of the verification of local standards. The indorsement when so recorded shall be evidence of the local comparison and verification, and a statement of the record thereof, if purporting to be signed by an officer of the Board of Trade, shall be evidence of the same having been so recorded.

It shall be lawful for Her Majesty from time to time, by Order in Council, to define the amount of error to be tolerated in local standards when verified or re-verified by the Board of Trade, or when re-verified by such a local comparison as is authorised by this section.

Production of local standards.

42. The local standards shall be produced by the person having the custody thereof, upon reasonable notice, at such reasonable time and place within the county, borough, or place for which the same have been provided, as any person by writing under his hand requires, upon payment by the person requiring such production of the reasonable charges of producing the same.

Local Verification and Inspection of Weights and Measures.

Appointment of inspectors of weights and measures.

43. Every local authority shall from time to time appoint a sufficient number of inspectors of weights and measures for safely keeping the local standards provided by such authority, and for the discharge of the other duties of inspectors under this Act; and where they appoint more than one such inspector, shall allot to each inspector (subject to any arrangement made for a chief inspector or inspectors) a separate district, to be distinguished by some name, number, or mark; and the local authority may suspend or dismiss any inspector appointed by them or appoint additional inspectors, as occasion may require, and shall assign reasonable remuneration to each inspector for his duties.

A local authority may, if they think fit, appoint different persons to be inspectors for verification and for inspection respectively of weights and measures under this Act.

A maker or seller of weights or measures, or a person employed in the making or selling thereof, shall not be an inspector of weights and measures under this Act.

An inspector of weights and measures shall forthwith on his appointment enter into a recognizance to the Crown (to be sued for in any court of record) in the sum of two hundred pounds for the due performance of the duties of his office, and for the due payment, at the times fixed by the local authority appointing him, of all fees received by him under this Act, and for the safety of the local standards and the stamps and appliances for verification committed to his charge, and for their due surrender immediately on his removal or other cessation from office to the person appointed by the local authority to receive them.

Verification and stamping by inspectors of weights and measures.

44. The local authority shall from time to time fix the times and places within their jurisdiction at which each inspector appointed by them is to attend for the purpose of the verification of weights and measures; and the inspector shall attend, with the local standards in his custody, at each time and place fixed, and shall examine every measure or weight which is of the same denomination as one of such standards and is brought to him for the purpose of verification, and compare the same with that standard, and if he find the same correct shall stamp it with a stamp of verification in such manner as best to prevent fraud; and in the case of a measure or of a weight of a quarter of a pound or upwards, shall further stamp thereon a name, number, or mark distinguishing the district for which he acts.

He shall also enter in a book kept by him minutes of every such verification, and give, if required, a certificate under his hand of every such stamping.

An inspector appointed by the local authority for a county may enter a place within the district of an inspector appointed by any other local authority, and there verify and stamp the weights and measures of any person residing within his own district, but if he knowingly stamp a weight or measure of any person residing in the district of an inspector legally appointed by another local authority, he shall be liable to a fine not exceeding twenty shillings for every weight or measure which he so stamps.

Validity of weights and measures stamped throughout the United Kingdom.

45. A weight or measure duly stamped by an inspector under this Act shall be a legal weight or measure throughout the United Kingdom, unless found to be false or unjust, and shall not be liable to be re-stamped because used in any place other than that in which it was originally stamped.

Power to stamp measures made partly of metal and partly of glass.

46. Where a measure for liquids is constructed with a small window or transparent part through which the contents, whether to the brim or to any other index thereof, may be seen without impediment, such measure may be verified and stamped by inspectors under this Act, although such measure is made partly of metal and partly of glass or other transparent medium, and that whether such measure corresponds exactly to a Board of Trade standard, or whether it exceeds such standard, but has the capacity of such standard indicated by a level line drawn through the centre of the window or transparent part.

Fees for comparison and stamping.

47. An inspector under this Act may take in respect of the verification and stamping of weights and measures such fees not exceeding those specified in the Fifth Schedule to this Act as the authority appointing him from time to time fix, and shall at such times not less often than once a quarter as the said authority direct, account for and pay over to the treasurer of the local rate or such person as the said authority direct all fees taken by him.

Where the Board of Trade, upon the application of any local authority from time to time represent to Her Majesty that it would be expedient to alter the fees taken by the inspectors of such authority under this Act (whether specified in the said schedule or in any order previously made under this section) or, for the purpose of adapting those fees to the local standards provided by such authority, to add to the said fees, it shall be lawful for Her Majesty by Order in Council from time to time to alter or add to the said fees.

Power to inspect measures, weights, scales, &c., and to enter shops, &c. for that purpose.

48. Every inspector under this Act authorised in writing under the hand of a justice of the peace, also every justice of the peace, may at all reasonable times inspect all weights measures scales balances steelyards and weighing machines within his jurisdiction which are used or in the possession of any person or on any premises for use for trade, and may compare every such weight and measure with some local standard, and may seize and detain any weight measure scale balance or steelyard which is liable to be forfeited in pursuance of this Act, and may for the purpose of such inspection enter any place, whether a building or in the open air, whether open or enclosed, where he has reasonable cause to believe that there is any weight measure scale balance steelyard or weighing machine which he is authorised by this Act to inspect.

Any person who neglects or refuses to produce for such inspection all weights measures scales balances steelyards and weighing machines in his possession or on his premises, or refuses to permit the justice or inspector to examine the same or any of them, or obstructs the entry of the justice or inspector under this section, or otherwise obstructs or hinders a justice or inspector acting under this section, shall be liable to a fine not exceeding five, or, in the case of a second offence, ten pounds.

49. If an inspector under this Act stamps a weight or measure in contravention of any provision of this Act, or without duly verifying the same by comparison with a local standard, or is guilty of a breach of any duty imposed on him by this Act, or otherwise misconducts himself in the execution of his office, he shall be liable to a fine not exceeding five pounds for each offence. Penalty on inspector for misconduct.

Local Authorities.

50. For the purposes of this Act "the local authority" and "the local rate" shall mean in each of the different areas mentioned in the first column of the Fourth Schedule to this Act the authority and the rate or fund mentioned in that schedule in connexion with that area: Local authorities and local rate.

Provided that in England the council of a borough which has not a separate court of quarter sessions shall not, unless they so resolve, be the local authority for the purposes of this Act, and if they so resolve and provide local standards and appoint inspectors after the commencement of this Act, they shall forthwith give notice of such resolution and appointment, under the corporate seal of the borough, to the clerk of the peace of the county in which the borough is situate, and after the expiration of one month from the day on which that notice of the said appointment is given the powers of inspectors of weights and measures appointed by the justices of the county shall, as to such borough and the weights and measures of persons residing therein, cease; but until such notice is given the borough shall be deemed to form part of the said county in like manner as if the same were not a borough.

Where at the commencement of this Act legal local standards are provided and inspectors are appointed by the council of a borough not having a separate court of quarter sessions, that council shall continue to be the local authority until they otherwise resolve.

51. The expense of providing and re-verifying local standards, the salaries of the inspectors, and all other expenses incurred by the local authority under this Act shall be paid out of the local rate. Expenses of local authority.

The treasurer of the county in which a borough in England having a separate court of quarter sessions is situate shall exclude from the account kept by him of all sums expended out of the county rate to which the borough is liable to contribute all sums expended in pursuance of this Act.

52. Any two or more local authorities may combine, as regards either the whole or any part of the areas within their jurisdiction, for all or any of the purposes of this Act, upon such terms and in such manner as may be from time to time mutually agreed upon. Power of local authorities to combine for purposes of Act.

An inspector appointed in pursuance of an agreement for such combination shall, subject to the terms of his appointment, have the same authority jurisdiction and duties as if he had been appointed by each of the authorities who are parties to such agreement.

53. Any local authority from time to time, with the approval of the Board of Trade, may make, and when made, revoke, alter, and add to, byelaws for regulating the comparison with the local standards of such authority, and the verification and stamping of weights and measures in use in their county or borough, and for regulating Power to local authority to make byelaws as to local verification, &c.

the local comparison of the local standards of such authority, and generally for regulating the duties under this Act of the inspectors appointed by the local authority or of any of those inspectors. Such byelaws may impose fines not exceeding twenty shillings for the breach of any byelaw, to be recovered on summary conviction. The Board of Trade before approving any such byelaws shall cause them to be published in such manner as they think sufficient for giving notice thereof to all persons interested.

Appointment of inspectors in towns and other places.

54. Where a town or other place has been or may hereafter be authorised under any Act, whether local or otherwise, to appoint inspectors or examiners of weights and measures, or where any other place has been or may hereafter be, by charter Act of Parliament or otherwise, possessed of legal jurisdiction, and such town or place is for the time being provided with legal local standards, the magistrates of such town or place, or other persons authorised as aforesaid, may appoint inspectors of weights and measures within the limits of their jurisdiction, and suspend and dismiss such inspectors, and such inspectors shall within such limits exclusively have the same power and discharge the same duties as inspectors of weights and measures appointed under this Act by the local authority for the county, and shall pay over and account for the fees received by them under this Act, to such persons as may be duly authorised by the magistrates or other persons appointing them.

Power of vestry, &c. in Metropolis to put an end to appointment of inspectors of weights and measures under Local Act.

55. Where in any place in the Metropolis—that is to say, in the parishes and places in which the Metropolitan Board of Works have power to levy the consolidated rate—any vestry commissioners or other body have any duties or powers, under any Local Act charter or otherwise, in relation to the appointment of inspectors or examiners of weights and measures, such vestry commissioners or body may, at a meeting specially convened for the purpose of which not less than fourteen days notice has been given, resolve that it is expedient that their said duties and powers should cease in such place.

The clerk or other like officer of such vestry commissioners or body shall give notice of such resolution to the clerk of the peace for the county in which such place is situate, and the clerk of the peace shall lay such notice before the next practicable court of quarter sessions for the county, and after the receipt of such notice by the court of quarter sessions the appointment, and all powers of appointment, of any inspector or examiner appointed under such Local Act charter or otherwise, shall cease in the said place, without prejudice to any proceedings then pending for penalties or otherwise.

Legal Proceedings.

Prosecution of offences and recovery of fines.

56. All offences under this Act may be prosecuted and all fines and forfeitures under this Act may be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Act.

The court when hearing and determining an information or complaint under this Act shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting

alone or with others at some court or other place appointed for the administration of justice and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Provisions as to summary proceedings.

57. The following enactments shall apply to proceedings under this Act before a court of summary jurisdiction; (that is to say,)

1. The description of any offence in the words of this Act, or in similar words, shall be sufficient in law; and
2. Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany in the same section the description of the offence, may be proved by the defendant but need not be specified or negatived in the information or complaint, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant; and
3. A warrant of commitment shall not be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there is a good and valid conviction to sustain the same.
4. Such portion of any fine under this Act, not exceeding a moiety, as the court of summary jurisdiction before whom a person is convicted think fit to direct, may, if the court in their discretion so order, be paid to the informer.
5. All weights measures scales balances and steelyards forfeited under this Act shall be broken up, and the materials thereof may be sold or otherwise disposed of as a court of summary jurisdiction direct, and the proceeds of such sale shall be applied in like manner as fines under this Act.

Limitation as to conviction for second offences.

58. A person shall not be liable to any increased penalty for a second offence under any section of this Act unless that offence was committed after a conviction within five years previously for an offence under the same section.

Evidence as to possession.

59. Where any weight measure scale balance steelyard or weighing machine is found in the possession of any person carrying on trade within the meaning of this Act, or on the premises of any person which, whether a building or in the open air, whether open or enclosed, are used for trade within the meaning of this Act, such person shall be deemed for the purposes of this Act, until the contrary is proved, to have such weight measure scale balance steelyard or weighing machine in his possession for use for trade.

Appeal from conviction.

60. Any person who feels himself aggrieved by a conviction or order of a court of summary jurisdiction under this Act may appeal therefrom, subject in England to the conditions following; that is to say,

(1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, and holden not less than twenty-one days after the day on which such decision was given; and

(2.) The appellant shall, within ten days after the day on which the decision was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of

his intention to appeal, and of the general grounds of such appeal; and

(3.) The appellant shall, within three days after the day on which he gave notice of appeal, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance, give such other security, by deposit of money with the clerk of the court of summary jurisdiction or otherwise, as the court deems sufficient; and

(4.) Where the appellant is in custody a court of summary jurisdiction may, if it seem fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and

(6.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that such conviction or order has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(7.) Every notice in writing required by this section to be given by an appellant may be signed by him, or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of the post.

Provision as to action against person acting in execution of Act.

61. In an action for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, tender of amends before the action is commenced may in lieu of or in addition to any other plea be pleaded, if the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim. If the action is commenced after such tender, or is proceeded with after such payment, and the plaintiff does not recover more than the sum tendered or paid respectively, the plaintiff shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to his costs, to be taxed as between solicitor and client, as from the time

of such tender or payment; but this provision shall not affect costs on any injunction in the action.

III.—Miscellaneous.

Continuance of inquisition recorded for ascertaining rents and tolls payable.

62. Every inquisition which, in pursuance of any Act hereby repealed, has been taken for ascertaining the amount of contracts to be performed or rents to be paid in grain or malt, or in any other commodity or thing, or with reference to the measure or weight of any grain malt or other commodity or thing, and the amount of any toll rate or duty payable according to any weight or measure in use before the passing of the said Act, and has been enrolled of record in Her Majesty's Court of Exchequer, shall continue in force, and may be given in evidence in any legal proceeding, and the amount ascertained by such inquisition shall, when converted into imperial weights and measures, continue to be the rule of payment in regard to all such contracts rents tolls rates or duties.

Orders in Council.

63. It shall be lawful for Her Majesty in Council from time to time to make Orders for the purposes of this Act, and to revoke and vary any such Order.

All Orders in Council made under this Act shall be published in the London, Edinburgh, and Dublin Gazettes, and shall be forthwith laid before both Houses of Parliament, and shall have full effect as part of this Act.

Effect of schedules.

64. The schedules to this Act, with the notes thereto, shall be construed and have effect as part of this Act.

Construction of Acts referring to repealed enactments.

65. Where an enactment refers to any Act repealed by this Act, or to any enactment thereof, the same shall be construed to refer to this Act or to the corresponding enactment of this Act.

Savings and Definitions.

Saving as to models of gas holders under 22 & 23 Vict. c. 66.

66. Nothing in this Act shall affect the validity of the models of gas holders verified and deposited in the standards department of the Board of Trade in pursuance of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for regulating measures "used in sales of gas," and of the Acts amending the same, and the provisions of this Act with respect to Board of Trade standards shall apply to such models; and the provisions of this Act with respect to defining the amount of error to be tolerated in local standards when verified or re-verified, shall apply to defining the amount of error to be tolerated in such copies of the said models of gas holders as are provided by any justices council commissioners or other local authority in pursuance of the said Acts.

Saving as to rights of the Founders Company.

67. Nothing in this Act shall extend to prohibit, defeat, injure, or lessen the rights granted by charter to the master, wardens, and commonalty of the mystery of Founders of the city of London.

Saving as to London.

68. Nothing in this Act shall prohibit, defeat, injure, or lessen the right of the mayor and commonalty and citizens of the city of London, or of the Lord Mayor of the city of London for the time being, with respect to the stamping or sealing of weights and measures, or with respect to the gauging of wine or oil, or other gaugeable liquors.

Act not to abridge the power of the leet jury, &c.

69. Nothing in this Act shall extend to supersede, limit, take away, lessen, or prevent the authority which any person or body politic or corporate, or any person appointed at any court leet for any hundred or manor, or any jury or ward inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any weights, balances, or measures within their respective jurisdictions, and for the purposes of this section the court of burgesses of the city of Westminster shall be deemed to be a body politic, and nothing in this Act shall be deemed to repeal or supersede the Acts relating to that court, or lessen, diminish, or alter the powers of the same.

Definitions: "Summary Jurisdiction Act:"

70. In this Act, unless the context otherwise requires,—

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act "to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect "to summary convictions and orders," inclusive of any Acts amending the same:

"Court of summary jurisdiction:"

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Act or any Acts therein referred to:

"Quarter sessions:"

The expression "quarter sessions" includes general sessions:

"Treasury:"

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

"Person:"

The expression "person" includes a body corporate:

"Stamping:"

The expression "stamping" includes casting, engraving, etching, branding, or otherwise marking, in such manner as to be so far as practicable indelible, and the expression "stamp" and other expressions relating thereto shall be construed accordingly:

"Coin weight:"

The expression "coin weight" means a weight used or intended to be used for weighing coin:

"Weights and Measures Act, 1835."

The expression "Weights and Measures Act, 1835," means the Act of the fifth and sixth years of the reign of King William the Fourth, chapter sixty-three, intituled "An Act to repeal "an Act of the fourth and fifth year of His present Majesty "relating to weights and measures, and to make other pro-"visions instead thereof."

IV.—APPLICATION OF ACT TO SCOTLAND.

This Act shall apply to Scotland with the following modifications:

Application of imperial weights and measures to tolls, &c.

71. In the application of this Act to Scotland, the expression "rents and tolls" includes all stipends, feu duties, customs, casualties, and other demands whatsoever payable in grain, malt, or meal, or any other commodity or thing.

The fiars prices of all grain in every county shall be struck by the imperial quarter, and all other returns of the prices of grain shall be set forth by the same, without reference to any other measure whatsoever.

Any person who acts in contravention of this provision shall be liable to a fine not exceeding five pounds.

Recovery and application of penalties.

72. All offences under this Act which may be prosecuted, and all fines and forfeitures under this Act which may be recovered on summary conviction, may in Scotland be prosecuted or recovered, with expenses, before the sheriff or sheriff substitute or two or more justices of the peace of the county, or the magistrates of the burgh wherein the offence was committed or the offender resides, at the instance either of the procurator fiscal or of any person who prosecutes.

Every person found liable in Scotland in any fine recoverable summarily under this Act shall, failing payment thereof immediate or within a specified time, as the case may be, and expenses, be liable to be imprisoned for a term not exceeding sixty days, and the conviction and warrant may be in the form number three of Schedule K. of the Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

All fines and forfeitures so recovered, subject to any payment made to the informer, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

Appeal.

73. An appeal against a conviction under this Act in Scotland shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise, and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, intituled "An Act for taking away "and abolishing heritable jurisdictions in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay the fine and expenses awarded against him by the conviction or order appealed from, together with any additional expenses awarded by the court dismissing the appeal.

Definitions as regards Scotland.

74. In the application of this Act to Scotland,—

The expression "enter into a recognizance" means grant a bond of caution:

The expression "any court of record" includes the Court of Session and the ordinary sheriff court:

The expression "burgh" shall include royal burgh and parliamentary burgh:

The expression "plantiff" means pursuer, and the expression "defendant" means defender:

The expression "solicitor" means writer or agent:

The expression "Summary Jurisdiction Act" means the Summary Procedure Act, 1864, inclusive of any Act amending the same. 27 & 28 Vict. c. 53.

Power of sheriff.

75. A sheriff or sheriff substitute shall have the same power in relation to a local comparison of standards, and to the inspection

comparison seizure and detention of weights and measures, and to entry for that purpose, as is given by this Act to a justice of the peace.

V.—APPLICATION OF ACT TO IRELAND.

This Act shall apply to Ireland with the following modifications:

Contracts to be made by denominations of imperial weight, otherwise to be void.

76. In Ireland every contract bargain sale or dealing—

For any quantity of corn, grain, pulses, potatoes, hay, straw, flax, roots, carcases of beef or mutton, butter, wool, or dead pigs, sold, delivered, or agreed for;

Or for any quantity of any other commodity sold, delivered, or agreed for by weight (not being a commodity which may by law be sold by the troy ounce or by apothecaries weight),

shall be made or had by one of the following denominations of imperial weight; namely,

the ounce avoirdupois;
the imperial pound of sixteen ounces;
the stone of fourteen pounds;
the quarter hundred of twenty-eight pounds;
the half hundred of fifty-six pounds;
the hundredweight of one hundred and twelve pounds; or
the ton of twenty hundredweight;

and not by any local or customary denomination of weight whatsoever, otherwise such contract bargain sale or dealing shall be void:

Provided always, that nothing in the present section shall be deemed to prevent the use in any contract bargain sale or dealing of the denomination of the quarter, half, or other aliquot part of the ounce pound or other denomination aforesaid, or shall be deemed to extend to any contract bargain sale or dealing relating to standing or growing crops.

Mode of weighing.

Deductions prohibited.

77. In Ireland every article sold by weight shall, if weighed, be weighed in full net standing beam; and for the purposes of every contract bargain sale or dealing the weight so ascertained shall be deemed the true weight of the article, and no deduction or allowance for tret or beamage, or on any other account, or under any other name whatsoever, the weight of any sack vessel or other covering in which such article may be contained alone excepted, shall be claimed or made by any purchaser on any pretext whatever under a penalty not exceeding five pounds.

A proceeding for the recovery of a penalty under this section shall be begun within three months after the offence is committed.

Providing of local standards and sub-standards.

78. (1.) The local authority in Ireland shall provide one complete set of local standards for their county or borough; also so many copies in iron or other sufficient material of the local standards.

(2.) The said copies of the local standards when duly verified as herein-after mentioned shall be the local sub-standards, and shall be used for the verification of weights and measures brought by the public for verification as if they were local standards.

(3.) Not less than one set of local sub-standards, and one set of accurate scales, shall be provided for each petty sessions

district in a county, and not less than two such sets shall be provided for a borough.

(4.) The local authority shall have the local standards from time to time duly compared and re-verified in manner directed by this Act.

(5.) The Commissioners of the Dublin Metropolitan Police shall not be under any obligation to provide local standards, but they may, with the assent of the chief secretary or under secretary to the Lord Lieutenant, procure such sub-standards scales and stamps as they think necessary for the purposes of this Act in the district for which they are the local authority.

Inquiry by judge of assize and chairman of quarter sessions as to provision of local standards and sub-standards.

79. In Ireland, in every year—

(*a.*) in the case of a county, the judge of assize at the first assizes held for the county by inquiry of the foreman of the grand jury; and

(*b.*) in the case of every borough in a county, the recorder of the borough, or, if there be no recorder, the chairman of the quarter sessions for that county, at the quarter sessions held next after the twenty-fifth day of March,

shall inquire whether one complete set of local standards, and a sufficient number of local sub-standards of weights and measures, and a sufficient number of scales and stamps (for verification), have been provided in such county or in such borough.

If it appear to the judge or chairman upon such inquiry that the same have not been so provided, he shall forthwith order the proper officer to provide a complete set of local standards and such sub-standards scales and stamps as appear to the judge or chairman making the order to be sufficient for the purposes of this Act, and that order shall have the effect in the case of a county of a presentment on the county for, and in the case of a borough, of an order on the council of the borough to raise by way of rate, the sum necessary to execute the order, and the said officer shall within three months after he receives the order fully execute the same, and in default shall be liable to a fine not exceeding twenty pounds.

The proper officer shall, in the case of a county, be the treasurer of the county, and in the case of a borough, the town clerk or other proper officer of the borough.

Expenses of ex-officio inspectors.

80. Expenses incurred by any member of the Royal Irish Constabulary as an ex-officio inspector of weights and measures in the execution of this Act shall be payable to such inspector by the person acting as treasurer of the local authority of the district on presentation of accounts of such expenses, to be furnished quarterly certified to be correct by the county inspector of the county.

The secretary of every grand jury being a local authority under this Act shall, at each assizes or presenting term, and the clerk of every other local authority shall once in every year lay before each such grand jury or other local authority an estimate of the sum which may appear to be necessary to meet such expenses until the next assizes or presenting term, or for the ensuing year; and every such grand jury or other local authority shall, without previous application to presentment sessions or other preliminary proceedings,

present in advance to the person acting as treasurer the sum specified in such estimate, to be raised and paid out of the local rate; and if the sum so raised proves more than sufficient for the purpose, the balance shall be carried to the credit of the local rate by the person acting as treasurer, and if the sum so raised proves insufficient, the person acting as treasurer shall apply for payment of such expenses any other available funds in his hands.

Ex-officio inspectors of weights and measures.

81. Nothing in this Act shall authorise the local authority in Ireland, except the local authority of the borough of Dublin, to appoint inspectors of weights and measures, but such head or other constables in each petty sessions district as may be from time to time selected by the inspector general of constabulary, with the approval of the Lord Lieutenant, shall be ex-officio inspectors of weights and measures under this Act within that district, and shall perform their duties under this Act under the direction of the justices of petty sessions, without fee or reward, and notwithstanding any manorial jurisdiction or claim of jurisdiction within such district:

Provided that if within one month from the date of such selection the justices signify their disapproval of the selection of any head or other constable, another selection shall be made by the same authority, subject to the same conditions, and the inspector general of constabulary shall within three days after any selection has been made in a petty sessions district, give or cause to be given to the clerk of that district notice of such selection, and the clerk shall immediately make known the said selection to the justices of the district.

An ex-officio inspector of weights and measures may exercise without any authority from a justice of the peace, the powers given by this Act to an inspector of weights and measures having such authority.

In the district in which the commissioners of the Dublin metropolitan police are the local authority under this Act, such of the superintendents inspectors or acting inspectors of the said police as may be selected by the local authority with the approval of the Lord Lieutenant shall be ex-officio inspectors of weights and measures within the said district.

Custody and use of local standards.

82. The local standards of every county or borough in Ireland shall be in the custody of such sub-inspector of constabulary as may be from time to time appointed for that county or borough by the inspector general of constabulary, with the approval of the Lord Lieutenant.

Such sub-inspector shall, subject to such regulations as the inspector general of constabulary, with the approval of the Lord Lieutenant, from time to time makes, compare with the local standards in his custody, and adjust and verify the local sub-standards sent to him for the purpose, and when the same are correct shall stamp the same with a stamp of verification, and for the purpose of such verification and stamping, and of the verification of local standards, such sub-inspector of constabulary shall be deemed to be an inspector of weights and measures appointed under this Act.

Custody and periodical veri-

83. The local sub-standards shall be deposited in the custody of the ex-officio inspector of weights and measures, and shall at least

once in every year, and also at other times when required by the county inspector of constabulary of the county, or by the justices in petty sessions of the county, be compared with the local standards of the county and verified, and when so verified shall until the expiration of one year or any shorter period at which the next comparison of the same under this section is made be deemed to be local sub-standards and be valid local standards for the purpose of the comparison by way of verification or inspection of weights and measures under this Act. fication of local sub-standards.

The sub-standards provided by the commissioners of the Dublin metropolitan police shall be verified by comparison with the local standards of the city of Dublin, as directed by this section, with this qualification, that the said commissioners, and not the county inspector or the justices, shall have authority to require the same to be verified oftener than once a year.

Any person who uses any sub-standard for any purpose other than that authorised by this Act shall be liable to a fine not exceeding five pounds.

84. For the purpose of the prosecution of offences and the recovery of fines under this Act, in Ireland,— Recovery of fines, &c.

(1.) The expression "Summary Jurisdiction Acts" in this Act means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending or affecting the same; and 14 & 15 Vict. c. 93.

(2.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions; and

(3.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same. 14 & 15 Vict. c. 93.

85. In this Act, unless the context otherwise requires, Definitions.

The expression "Lord Lieutenant" means the lieutenant or other chief governor or governors of Ireland for the time being:

The expression "treasurer" includes the finance committee and the secretary of the grand jury for the county of Dublin.

VI.—Repeal.

86. The Acts mentioned in the first part of the Sixth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned; subject to the following qualification, that is to say, that so much of the said Acts as is set forth in the second part of that schedule shall be re-enacted in manner therein Repeal.

appearing, and shall be in force as if enacted in the body of this Act.

Provided that,—

(1.) Every inspector appointed in pursuance of any enactment hereby repealed shall continue in office as if he had been appointed in pursuance of this Act; and

(2.) Any person holding office as examiner of weights and measures under any enactment repealed by this Act, and not being an inspector of weights and measures within the meaning of this Act, shall continue in office and receive the same remuneration, and have the same powers and duties and be subject to the same liabilities and to the same power of dismissal as if this Act had not passed.

(3.) Every notice published in a Gazette in relation to coin weights in pursuance of any enactment hereby repealed shall continue in force.

(4.) All weights and measures duly verified and stamped in pursuance of any enactment hereby repealed, shall continue and be as valid as if they had been verified and stamped in pursuance of this Act, and that although such weights or measures could not have been verified and stamped in pursuance of this Act; and all weights and measures which at the commencement of this Act may lawfully be used without being stamped with a stamp of verification or a stamp of their denomination, and which are required by this Act to be stamped with such a stamp, may, notwithstanding they are not so stamped, be used until the expiration of six months after the commencement of this Act, without being subject to be seized or forfeited, and without rendering the person using or having possession of the same subject to any fine.

(5.) This repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; nor

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed; and

(6.) This repeal shall not revive any enactment, right, office, privilege, matter, or thing not in force or existing at the commencement of this Act.

SCHEDULES.

FIRST SCHEDULE.

PART I.

Sections 4, 10, 13, 64.

Imperial Standards.

The following standards were constructed under the direction of the Commissioners of Her Majesty's Treasury, after the destruction of the former imperial standards in the fire at the Houses of Parliament.

The imperial standard for determining the length of the imperial standard yard is a solid square bar, thirty-eight inches long and one inch square in transverse section, the bar being of bronze or gun-metal; near to each end a cylindrical hole is sunk (the distance between the centres of the two holes being thirty-six inches) to the depth of half an inch, at the bottom of this hole is inserted in a smaller hole a gold plug or pin, about one tenth of an inch in diameter, and upon the surface of this pin there are cut three fine lines at intervals of about the one hundredth part of an inch transverse to the axis of the bar, and two lines at nearly the same interval parallel to the axis of the bar; the measure of length of the imperial standard yard is given by the interval between the middle transversal line at one end and the middle transversal line at the other end, the part of each line which is employed being the point midway between the longitudinal lines; and the said points are in this Act referred to as the centres of the said gold plugs or pins; and such bar is marked "copper 16 oz., tin $2\frac{1}{2}$, zinc 1. Mr. Baily's metal. No. 1 standard "yard at 62°·00 Fahrenheit. Cast in 1845. Troughton & Simms, London."

The imperial standard for determining the weight of the imperial standard pound is of platinum, the form being that of a cylinder nearly 1·35 inch in height and 1·15 inch in diameter, with a groove or channel round it, whose middle is about 0·34 inch below the top of the cylinder, for insertion of the points of the ivory fork by which it is to be lifted; the edges are carefully rounded off, and such standard pound is marked, P.S. 1844, 1 lb.

PART II.

Sections 5, 35, 64.

Parliamentary Copies of Imperial Standards.

The following copies of the standards above mentioned in part one of this Schedule were constructed at the same time as the above standards. They are of the same construction and form as the above standards, and they are respectively marked and deposited as follows:—

(1.) One of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin $2\frac{1}{2}$, zinc 1. Mr. Baily's metal. "No. 2. Standard yard at 61°·94 Fahrenheit. Cast in 1845. Troughton & "Simms, London;" and one of the copies of the imperial standard for determining the imperial standard pound marked No. 1., P.C. 1844, 1 lb., have been deposited at the Royal Mint;

(2.) One other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin $2\frac{1}{2}$, zinc 1. "Mr. Baily's metal. No. 3. Standard yard at 62°·10 Fahrenheit. Cast in "1845. Troughton & Simms, London," and one other of the copies of the imperial standard for determining the imperial standard pound marked No. 2., P.C. 1844, 1 lb., have been delivered to the Royal Society of London;

(3.) One other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin $2\frac{1}{2}$, zinc 1. Mr. "Baily's metal. No. 5. Standard yard at 62°·16 Fahrenheit. Cast in 1845. "Troughton & Simms, London," and one other of the copies of the imperial standard for determining the imperial standard pound marked No. 3., P.C. 1844, 1 lb., have been deposited in the Royal Observatory of Greenwich;

(4.) The other of the copies of the imperial standard for determining the imperial standard yard, being a bronze bar, marked "copper 16 oz., tin $2\frac{1}{2}$, zinc 1.

" Mr. Baily's metal. No. 4. Standard yard at 61°·98 Fahrenheit. Cast in 1845. " Troughton & Simms, London," and the other of the copies of the imperial standard for determining the imperial standard pound marked No. 4., P.C. 1844, 1 lb., have been immured in the New Palace at Westminster.

Sections, 8, 64.

SECOND SCHEDULE.

BOARD OF TRADE STANDARDS.

STANDARDS of the measures and weights following are at the commencement of this Act in use under the direction of the Board of Trade.

MEASURES OF LENGTH. MEASURES OF CAPACITY.

Denomination of Standard.
MEASURE OF LENGTH.
100 feet.
66 feet or a chain of 100 links.
Rod, pole, or perch.
10 feet.
6 „ or 2 yards.
5 „
4 „
3 „ or 1 yard.
2 „
1 foot.
1 inch divided in 12 duodecimal, 10 decimal, and 16 binary equal parts.

Denomination of Standard.
MEASURES OF CAPACITY.
Bushel.
Half-bushel.
Peck.
Gallon.
Half-gallon.
Quart.
Pint.
Half-pint.
Gill.
Half-gill.
Quarter-gill.
MEASURES USED IN THE SALE OF DRUGS.
Fluid ounces :— 4, 3, 2, 1.
Fluid drachms :— 4, 3, 2, 1.
Minims :— 30, 20, 10, 5, 4, 3, 2, 1.

NOTE.—The brass gallon marked "Imperial Standard Gallon, Anno Domini MDCCCXXIV., Anno V G^IV Regis," which has a diameter equal to its height, and was made in pursuance of 5 Geo. 4. c. 74. s. 6., and is at the passing of this Act in the custody of the Warden of the Standards, shall be deemed to be a Board of Trade standard for the gallon.

WEIGHTS.

Denomination of Standard.	Denomination of Standard.	Denomination of Standard.
AVOIRDUPOIS WEIGHTS.	TROY BULLION WEIGHTS.	DECIMAL GRAIN WEIGHTS.
56 pounds.	500 ounces.	4,000 grains.
28 „	400 „	2,000 „
14 „	300 „	1,000 „
7 „	200 „	500 „
4 „	100 „	300 „
2 „	50 „	200 „
1 pound.	40 „	100 „
8 ounces.	30 „	50 „
4 „	20 „	30 „
2 „	10 „	20 „
1 ounce.	5 „	10 „

WEIGHTS—*continued.*

Denomination of Standard.	Denomination of Standard.	Denomination of Standard
AVOIRDUPOIS WEIGHTS.	TROY BULLION WEIGHTS.	DECIMAL GRAIN WEIGHTS.
8 drams.	4 ounces.	5 grains.
4 „	3 „	3 „
2 „	2 „	2 „
1 dram.	1 ounce.	1 „
½ „	0·5 „	0·5 grain.
240 grains, commonly called 10 pennyweights.	0·4 „	0·3 „
	0·3 „	0·2 „
	0·2 „	0·1 „
120 grains, commonly called 5 pennyweights.	0·1 „	0·05 „
	0·05 „	0·03 „
	0·04 „	0·02 „
72 grains, commonly called 3 pennyweights.	0·03 „	0·01 „
	0·02 „	
48 grains, commonly called 2 pennyweights.	0·01 „	
	0·005 „	
24 grains, commonly called 1 pennyweight.	0·004 „	
	0·003 „	
	0·002 „	
	0·001 „	

COIN WEIGHTS.

Denomination of Coin.	Standard Weight.	
	Imperial Weight.	Metric Weight.
GOLD:	Grains.	Grams.
Five pound	616·37239	39·94028
Two pound	246·54895	15·97611
Sovereign	123·27447	7·98805
Half-sovereign	61·63723	3·99402
SILVER:		
Crown	436·36363	28·27590
Half-crown	218·18181	14·13795
Florin	174·54545	11·31036
Shilling	87·27272	5·65518
Sixpence	43·63636	2·82759
Groat or fourpence	29·09090	1·88506
Threepence	21·81818	1·41379
Twopence	14·54545	0·94253
Penny	7·27272	0·47126
BRONZE:		
Penny	145·83333	9·44984
Halfpenny	87·50000	5·66990
Farthing	43·75000	2·83495

THIRD SCHEDULE.

Sections 18, 64.

PART I.

METRIC EQUIVALENTS.

TABLE of the Values of the Principal Denominations of Measures and Weights on the Metric System expressed by means of Denominations of Imperial Measures and Weights, and of the Values of the Principal Denominations of Measures and Weights of the Imperial system expressed by means of Metric Weights and Measures.

MEASURES OF LENGTH.

Metric Denominations and Values.		Equivalents in Imperial Denominations.			
	Metres.	Miles.	Yards.	Feet.	Ins. Decimals.
Myriametre	10,000	6	376	0	11·9
		or	10,936	0	11·9
Kilometre	1,000		1,093	1	10·79
Hectometre	100		109	1	1·079
Dekametre	10		10	2	9·7079
Metre	1		1	0	3·3708
Decimetre	$\frac{1}{10}$				3·9371
Centimetre	$\frac{1}{100}$				0·3937
Millimetre	$\frac{1}{1000}$				0·0394

MEASURE OF SURFACE.

Metric Denominations and Values.		Equivalents in Imperial Denominations.		
	Square Metres.	Acres.	Square Yards.	Decimals.
Hectare, i.e. 100 Ares	10,000	2	2280·3326	
		or	11,960·3326	
Dekare, i.e. 10 Ares	1,000		1196·0333	
Are	100		119·6033	
Centiare, i.e. $\frac{1}{100}$-Are	1		1·1960	

MEASURES OF CAPACITY.

Metric Denominations and Values.		Equivalents in Imperial Denominations.						
	Cubic Metres.	Quarters.	Bushels.	Pecks.	Gallons.	Quarts.	Pints.	Decimals.
Kilolitre, i.e. 1,000 Litres	1	3	3	2	0	0		0·77
Hectolitre, i.e. 100 Litres	$\frac{1}{10}$		2	3	0	0		0·077
Dekalitre, i.e. 10 Litres	$\frac{1}{100}$			1	0	0		1·6077
Litre	$\frac{1}{1000}$							1·76077
Decilitre, i.e. $\frac{1}{10}$-Litre	$\frac{1}{10000}$							0·176077
Centilitre, i.e. $\frac{1}{100}$-Litre	$\frac{1}{100000}$							0·0176077

Weights.

Metric Denominations and Values.		Equivalents in Imperial Denominations.				
	Grams.	Cwts.	Stones.	Pounds.	Ounces.	Drams. Decimals.
Millier - -	1,000,000	19	5	6	9	15·04
Quintal - -	100,000	1	7	10	7	6·304
Myriagram - -	10,000		1	8	0	11·8304
Kilogram - -	1,000			2	3	4·3830
		(or 15432·3487 grains)				
Hectogram - -	100				3	8·4383
Dekagram - -	10					5·6438
Gram - -	1					0·56438
Decigram - -	$\frac{1}{10}$					0·056438
Centigram - -	$\frac{1}{100}$					0·0056438
Milligram - -	$\frac{1}{1000}$					0·00056438

Measures of Length.

Imperial Measures.	Equivalents in Metric Measures.			
	Millimetre.	Decimetre.	Metre.	Kilometre.
Inch - - - - -	=25·39954			
Foot or 12 inches - -	—	=3·04794	= 0·30479	
Yard, or 3 feet, or 36 inches -	—	—	= 0·91438	
Fathom, or 2 yards, or 6 feet -	—	—	= 1·82877	
Pole or 5½ yards - -	—	—	= 5·02911	
Chain, or 4 poles, or 22 yards	—	—	= 20·11644	
Furlong, 40 poles, or 220 yards	—	—	= 201·16437	=0·20116
Mile, 8 furlongs, or 1,760 yards	—	—	= 1,609·31493	=1·60931

Measures of Surface.

Imperial Measures.	Equivalents in Metric Measures.			
	Square Decimetres.	Square Metres.	Ares.	Hectares.
Square inch - - -	= 0·06451			
Square foot or 144 square inches -	= 9·28997	= 0·092900		
Square yard, or 9 square feet, or 1,296 square inches.	=83·60971	= 0·836097		
Pole or perch, or 30¼ square yards	—	=25·291939		
Rood, or 40 perches, or 1,210 square yards.	—	—	=10·116776	
Acre, or 4 roods, or 4,840 square yards.	—	—	—	= 0·40467
Square mile or 640 acres - -	—	—	—	=258·98945

MEASURES OF CAPACITY.

Imperial Measures.	Equivalents in Metric Measures.			
	Decilitres.	Litres.	Dekalitres.	Hectolitres.
Gill	=1·41983	=0·14198		
Pint or 4 gills	=5·67932	=0·56793		
Quart or 2 pints	—	=1·13587		
GALLON or 4 quarts	—	=4·54346		
Peck or 2 gallons	—	=9·08692	=0·90869	
Bushel, or 8 gallons, or 4 pecks	—	—	=3·63477	
Quarter or 8 bushels	—	—	—	=2·90781

CUBIC MEASURE.

Imperial Measures.	Equivalents in Metric Measures.		
	Cubic Centimetres.	Cubic Decimetres.	Cubic Metres.
Cubic inch	16·38618		
Cubic foot or 1,728 cubic inches	—	28·31531	
Cubic yard or 27 cubic feet	—	—	0·76451

WEIGHTS.

Imperial Weights.	Equivalents in Metric Weights.			
	Grams.	Dekagrams.	Kilograms.	Millier or Metric Ton.
Grain	= 0·06479895			
Dram	= 1·77185			
Ounce, avoirdupois, or 16 drams, or 437·5 grains.	= 28·34954	= 2·83495		
POUND, or 16 ounces, or 256 drams, or 7,000 grains.	=453·59265	=45·35927	= 0·45359	
Hundredweight or 112 pounds	—	—	= 50·80238	
Ton or 20 cwt.	—	—	=1016·04754	=1·01605
Ounce, troy, or 480 grains	= 31·103496	= 3·11035		

Sections, 38, 64.

PART II.

METRIC STANDARDS.

List of metric standards in the custody of the Board of Trade at the passing of this Act :—

Measures of Length.

Double metre or 2 metres.
METRE or 1 metre.
Decimetre or 0·1 „
Centimetre or 0·01 „
Millimetre or 0·001 „

Weights.

20, 10, 5, 2 kilograms.
KILOGRAM.
500, 200, 100, 50, 20, 10, 5, 2, 1 grams.
5, 2, 1 decigrams.
5, 2, 1, 0·5 milligrams.

Measures of Capacity.

20, 10, 5, 2 litres.
LITRE.
0·5 litre or 500 cubic centimetres.
0·2 „ 200 „
0·1 „ 100 „
0·05 „ 50 „
0·02 „ 20 „
0·01 „ 10 „
0·005 „ 5 „
0·002 „ 2 „
0·001 „ 1 „

FOURTH SCHEDULE.

Sections 40, 50, 64.

LOCAL AUTHORITIES.

ENGLAND.

Area.	Local Authority.	Local Rate.
County - - -	The justices in general or quarter sessions assembled.	The county rate.
County of the city of London.	The court of the Lord Mayor and aldermen of the city.	The consolidated rate.
Borough - - -	The mayor, aldermen, and burgesses acting by the council.	The borough fund and borough rate.

SCOTLAND.

County - - -	The justices in general or quarter sessions assembled.	The county general assessment.
Burgh - - -	The magistrates - - -	The police assessment.

IRELAND.

County - - -	The grand jury acting at any assizes or presenting term.	The presentments to be made by the grand jury.
Such portion of the police district of Dublin metropolis as is without the municipal boundary of the borough of Dublin.	The Commissioners of the Dublin metropolitan police.	The funds applicable to defray the expenses of the Dublin metropolitan police.
Borough - - -	Town Council - - -	Rate to be levied by the council, or if the borough is liable to county cess and no rate is levied in the borough, the county cess of the county in which the borough or the larger part thereof is situate.

Notes.

For the purposes of this schedule—

The expression "county," as regards England, does not include a county of a city or a county of a town, but includes every riding, division, or parts of a county having a separate court of quarter sessions. The Soke of Peterborough shall be deemed to be a county, but every other liberty of a county not forming part of the City of London shall be deemed to form part of the county in which the same is situate or which it adjoins, and if it adjoins more than one county, then of the county with which it has the longest common boundary.

The expression "borough," as regards England, means any place for the time being subject to the Municipal Corporation Act, 1835, and any Act amending the same, which has a separate commission of the peace.

The expression "county," as regards Ireland, includes a riding and a county of a city and a county of a town.

The county of Dublin shall be deemed not to include any portion of the police district of Dublin metropolis.

The two constabulary districts of the county of Galway shall respectively be deemed to be counties for the purposes of this Act.

The expression "borough," as regards Ireland, means any borough or town corporate.

In the borough of Dublin the rate to be levied by the council shall mean the improvement rate.

Sections 47, 64.

FIFTH SCHEDULE.

FEES OF INSPECTORS.

The following fees are the maximum fees which, unless altered as authorised by this Act, may be taken by any inspector of weights and measures appointed under this Act.

	s.	*d.*
For comparing and stamping all brass weights :—		
Each half hundredweight	0	9
Each quarter of a hundredweight	0	6
Each stone	0	4
Each weight under a stone to a pound inclusive	0	1
Each weight under a pound	0	0½
Each set of weights of a pound and under	0	2
For comparing and stamping all iron weights, or weights of other descriptions not made of brass—		
Each half hundredweight	0	3
Each quarter of a hundredweight	0	2
Each stone	0	1
Each weight under a stone	0	0½
Each set of weights of a pound and under	0	2
For comparing and stamping all wooden measures :—		
Each bushel	0	3
Each half bushel	0	2
Each peck, and all under	0	1
Each yard	0	0½
For comparing and stamping all measures of capacity of liquids made of copper or other metal :—		
Each four gallon	0	9
Each two gallon	0	4
Each gallon	0	2
Each half gallon	0	1
Each quart and under	0	0½

SIXTH SCHEDULE.

FIRST PART.

Enactments repealed.

A description or citation of a portion of an Act is inclusive of the word, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and chapter.	Title or short title of Act.	Extent of repeal.
31 Edw. 3. st. 1.	The statute made at Westminster on the Monday next after the feast of Easter, in the thirty-first year, statute the first.	Chapter two.
6 Anne, c. 11. (5 & 6 Anne, c. 8. in Ruffhead.)	An Act for the union of the two kingdoms of England and Scotland.	Article seventeen.
15 Geo. 2. c. 20.	An Act to prevent the counterfeiting of gold and silver lace, and for settling and adjusting the proportions of fine silver and silk, and for the better making of gold and silver thread.	Section five.

Session and chapter.	Title or short title of Act.	Extent of repeal.
35 Geo. 3. c. 102. -	An Act for the more effectual prevention of the use of defective weights, and of false and unequal balances.	The whole Act.
36 Geo. 3. c. 85. -	An Act for the better regulation of mills -	Section one from "and any "person or persons ap- "pointed" down to "with respect to weights "and balances," and from "and every miller "or other person as "aforesaid, in whose "mill shall be found "any weight or weights" to the end of the section.
37 Geo. 3. c. 143. -	An Act to explain and amend an Act made in the thirty-fifth year of the reign of His present Majesty, intituled "An Act for "the more effectual prevention of the use "of defective weights and of false and "unequal balances."	The whole Act.
55 Geo. 3. c. 43. -	An Act for the more effectual prevention of the use of false and deficient measures.	The whole Act.
5 Geo. 4. c. 74. -	An Act for ascertaining and establishing uniformity of weights and measures.	The whole Act, except section twenty-five.
6 Geo. 4. c. 12. -	An Act to prolong the time of the commencement of an Act of the last session of Parliament for ascertaining and establishing uniformity of weights and measures, and to amend the said Act.	The whole Act.
5 & 6 Will. 4. c. 63. -	An Act to repeal an Act of the fourth and fifth year of His present Majesty relating to weights and measures, and to make other provisions instead thereof.	The whole Act.
16 & 17 Vict. c. 29. -	An Act for regulating the weights used in sales of bullion.	The whole Act.
16 & 17 Vict. c. 79. -	An Act for making sundry provisions with respect to municipal corporations in England.	Section five.
18 & 19 Vict. c. 72. -	An Act for legalizing and preserving the restored standards of weights and measures.	The whole Act.
22 & 23 Vict. c. 56. -	An Act to amend the Act of the fifth and sixth years of King William the Fourth, chapter sixty-three, relating to weights and measures.	The whole Act.
23 & 24 Vict. c. 119.-	An Act to amend the law relating to weights and measures in Ireland.	The whole Act.
24 & 25 Vict. c. 75. -	An Act for amending the Municipal Corporations Act.	Section six.
25 & 26 Vict. c. 76. -	The Weights and Measures (Ireland) Amendment Act, 1862.	The whole Act, except section two, and Part three and so much of Part four as relates to Part three.
25 & 26 Vict. c. 102.-	The Metropolis Management Amendment Act, 1862.	Section one hundred and one.
27 & 28 Vict. c. 117.-	The Metric Weights and Measures Act, 1864	The whole Act.
29 & 30 Vict. c. 82. -	An Act to amend the Acts relating to the standard weights and measures, and to the standard trial pieces of the coin of the realm.	The whole Act.
30 & 31 Vict. c. 94. -	An Act to provide for the inspection of weights and measures and to regulate the law relating thereto, in certain parts of the police district of Dublin metropolis.	The whole Act.

Session and chapter.	Title or short title of Act.	Extent of repeal.
33 & 34 Vict. c. 10. -	The Coinage Act, 1870 - - -	Section seventeen, from the beginning of the section down to "weight of and "for weighing such "coin," and from "all "weights which are not "less in weight" to the end of the section.

SECOND PART.

Enactments re-enacted.

5 & 6 Will. 4. c. 63. s. 9.

Sale of coals by weight and not by measure.

All coals, slack, culm, and cannel of every description shall be sold by weight, and not by measure. Every person who sells any coals, slack, culm, or cannel of any description by measure, and not by weight, shall be liable on summary conviction to a fine not exceeding forty shillings for every such sale.

5 & 6 Will. 4. c. 63. s. 26.

Supply of weigh-masters in Ireland with scales, and copies of local standards.

In Ireland, in every city or town, not being a county of itself, every person, persons, or body corporate exercising the privilege of appointing a weigh-master, shall supply him with accurate scales, and with an accurate set of copies of the local standards, and in default shall be liable on summary conviction to a fine of twenty pounds, and the accuracy of such set of copies shall be certified under the hand of some inspector of weights and measures. They shall also, once at least in every five years, cause such copies to be readjusted by comparison with some local standards which have been verified by the Board of Trade, and in default shall be liable on summary conviction to a fine of five pounds.

Such set of copies shall for the purpose of comparison and verification be considered local standards, and shall be used for no other purpose whatever, and if they are so used the person using the same shall be liable on summary conviction to a fine of five pounds.

22 & 23 Vict. c. 56. ss. 6, 8, 12.

Owners of markets to provide scales, &c.

The owners or managers of any public market in Great Britain where goods are exposed or kept for sale shall provide proper scales and balances and weights and measures or other machines, for the purpose of weighing or measuring all goods sold, offered, or exposed for sale in any such market, and shall deposit the same at the office of the clerk or toll collector of such market, or some other convenient place, and shall have the accuracy of all such scales and balances and weights and measures or other machines tested at least twice in every year by the inspector of weights and measures of and for the county, borough, or place where the market is situate;

All expenses attending the purchase, adjusting, and testing thereof shall be paid out of the moneys collected for tolls in the market;

Such clerk or toll collector shall at all reasonable times, whenever called upon so to do, weigh or measure all goods which have been sold, offered, or exposed for sale in any such market, upon payment of such reasonable sum as may from time to time be decided upon by the said owners or managers, subject to the approval and revision of the justices in general or quarter sessions assembled if such market be in England, or of the sheriff if it be in Scotland;

For every contravention of this section the offender shall be liable, on summary conviction, to a fine not exceeding five pounds.

22 & 23 Vict. c. 56. ss. 7, 8, 12.

Power to clerks of markets to inspect goods sold, &c., and if weighing found deficient to summon the offender.

Every clerk or toll collector of any public market in Great Britain, at all reasonable times, may weigh or measure all goods sold, offered, or exposed for sale in any such market; and if upon such weighing or measuring any such goods are found deficient in weight or measure or otherwise contrary to the provisions of this Act, such clerk or toll collector shall take the necessary proceedings for recovering any fine, to which the person selling, offering, or exposing for sale, or causing to be sold, offered, or exposed for sale, such goods, is liable, and the court convicting the offender may award out of the fine to such clerk or toll collector such reasonable remuneration as to the court seems fit.

For every offence against or disobedience to this section the offender shall be liable on summary conviction to a fine not exceeding five pounds.

CHAPTER 50.

An Act to amend the County of Hertford and Liberty of St. Alban Act, 1874. [8th August 1878.]

40 & 41 Vict. c. 21. 37 & 38 Vict. c. 45.

WHEREAS by reason of the application to the county of Hertford of some of the provisions of the Prison Act, 1877, it has become necessary to amend the County of Hertford and Liberty of St. Alban Act, 1874 (in this Act referred to as the County of Hertford Act of 1874), and it is also expedient to amend the same Act in other respects:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short titles, and construction.

1. This Act may be cited as the County of Hertford Act, 1878; and the County of Hertford Act of 1874 and this Act may be cited together as the County of Hertford Acts, 1874 and 1878; and the same shall be read together as one Act.

Repeal of enactments.

2. The following parts of the County of Hertford Act of 1874 are hereby repealed, namely, sections eleven and twelve; the last paragraph of section fourteen, beginning with the words "Each committee"; the last paragraph of section fifteen, beginning with the words "Each committee"; and section seventeen.

Power for every justice to commit to St. Albans or to other appointed prison.

3. Every justice of the peace for the county of Hertford shall have power to commit to Her Majesty's prison at St. Albans, or to any other prison to be appointed by the Secretary of State under the Prison Act, 1877, persons charged with offences in whichever division committed.

Provision as to quarter sessions at which charges are to be tried.

4. Every justice of the peace for the county of Hertford, on committing for trial a person charged with an offence cognisable at quarter sessions, may, by memorandum signed by him on the warrant of committal, direct that the person committed shall, if tried at quarter sessions, be tried at the Hertford division quarter sessions, or may by such a memorandum direct that the person committed shall, if tried at quarter sessions, be tried at the Liberty of St. Alban division quarter sessions, as the justice thinks fit, and in that case shall cause the prosecutor and witnesses to be bound

over to attend at the same quarter sessions, and the trial shall (subject and without prejudice to section nineteen and the other provisions of the County of Hertford Act of 1874) be had there accordingly.

37 & 38 Vict. c. 45.

Subject to the foregoing provision of this section and to any memorandum as aforesaid, where a person is charged with an offence committed in the Hertford division, then in whatever prison he is confined, or if he is held to bail, he shall, if tried at quarter sessions, be (subject and without prejudice to section nineteen and the other provisions of the County of Hertford Act of 1874) tried at the Hertford division quarter sessions.

37 & 38 Vict. c. 45.

Subject as aforesaid, where a person is charged with an offence committed in the Liberty of St. Alban division, then in whatever prison he is confined, or if he is held to bail, he shall, if tried at quarter sessions, be (subject and without prejudice to section nineteen and the other provisions of the County of Hertford Act of 1874) tried at the St. Alban division quarter sessions.

37 & 38 Vict. c. 45.

County jurors book to be in separate parts for the two divisions.

5. For the purposes of the County of Hertford Act of 1874 and of this Act one jurors book shall be made for the whole county, but in two parts, one for each of the two divisions, as if each division was a county of itself.

The jurors whose names appear in that part of the county jurors book which is made for the Hertford division shall ordinarily be summoned to attend at the Hertford division quarter sessions, but may be summoned to attend at the St. Alban division quarter sessions.

The jurors whose names appear in that part of the county jurors book which is made for the Liberty of St. Alban division shall ordinarily be summoned to attend at the Liberty of St. Alban division quarter sessions, but may be summoned to attend at the Hertford division quarter sessions.

Nothing in this Act shall affect the return or summoning of jurors to serve at assizes or elsewhere than at general or quarter sessions of the peace.

Saving for pending proceedings, &c.

6. Nothing in this Act shall prejudicially affect any committal, trial, appeal, traverse, or other magisterial or judicial proceeding, or other business or proceeding pending at the passing of this Act; and every such committal, trial, appeal, traverse, proceeding, and business as aforesaid shall be acted on, prosecuted, transacted, and proceeded with in like manner as nearly as may be in all respects as if the same had been done or had originated after the passing of this Act.

CHAPTER 51.

An Act to alter and amend the Law in regard to the Maintenance and Management of Roads and Bridges in Scotland. [8th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, and commencement of Act.

1. This Act may be cited for all purposes as the Roads and Bridges (Scotland) Act, 1878, and, except in so far as otherwise

expressly provided, it shall commence and take effect in each county (including the burghs wholly or partly within the same) from the date of its adoption therein, as herein-after provided for.

Extent of Act.

2. This Act shall apply to Scotland only, except in so far as otherwise expressly provided.

Interpretation.

3. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

"Sheriff" shall include sheriff-substitute:

"The trustees" shall mean the county road trustees appointed and acting under this Act:

"The board" shall mean the county road board appointed and acting under this Act:

"The district committee" shall mean the district road committee appointed and acting in any district under this Act:

"Clerk," "treasurer," "collector," and "surveyor," shall respectively mean the county road clerk, the county road treasurer, the county road collector, and the county road surveyor, appointed and acting for the time being under this Act:

"County" shall mean (except where otherwise expressly provided) the county exclusive of any burgh wholly or partly situate therein, and shall not include a county of a city:

"Burgh" shall mean and include royal burgh, parliamentary burgh, or any populous place the boundaries whereof have been fixed and ascertained under the provisions of the General Police and Improvement (Scotland) Act, 1862, or of the Act first therein recited, or have been determined by or under any local Act, provided that the population of such populous place, as the same may be ascertained as nearly as possible in the manner described in the seventh clause of the General Police and Improvement (Scotland) Act, 1862, within three months after this Act commencing to have effect therein, exceeds five thousand:

25 & 26 Vict. c. 101.

25 & 26 Vict. c. 101.

"Police burgh" shall mean every such populous place, the population of which shall not have been ascertained in manner aforesaid to exceed five thousand:

"Burgh local authority" or "local authority of any burgh" shall mean the town council, commissioners of police, or other local authority having the management and control of the streets, and the power to levy assessments in respect thereof, in any burgh, under or in virtue of any general or local Act or of this Act:

"Parish" shall include united parish, but it shall be exclusive of any burgh or police burgh wholly or partly situated within a parish:

"Turnpike road" shall include all roads and bridges forming part of any turnpike road trust and all bridges under the management of any separate bridge trust:

"Statute labour" shall include moneys raised as the conversion of statute labour, or in lieu thereof, and bridge money:

"Statute labour road" shall include all roads and bridges maintained by statute labour;

"Highway" shall mean and include all existing turnpike roads, all existing statute labour roads, all roads maintained under the provisions of the Highland Roads and Bridges Act, 1862, and all bridges forming part of any highway, and all other roads when declared to be highways under the provisions of this Act, all public streets and roads within any burgh or police burgh not at the commencement of this Act vested in the local authority thereof, but shall not include any street or road so vested, or any street or road or bridge which any person is at the commencement of this Act bound to maintain at his own expense:

25 & 26 Vict. c. 105.

"Bridge" shall include the accesses thereof, but shall not include any bridge which any person is, at the commencement of this Act, bound to maintain at his own expense:

"Tolls" shall include pontages; and also any sum payable in respect of any exemption from or relinquishment of tolls:

"Causeway-mail" shall include through customs and all exactions of whatever kind, and also any sum or duty payable or leviable in lieu or satisfaction thereof or in respect of any exemption therefrom, other than tolls or assessments, made or which may be made in respect of the use of or passage over the streets or roads within any burgh, but shall not include petty customs or any sum or duty as aforesaid except in so far as they are exacted payable or leviable in respect of goods, articles, things, or animals passing or carried through such burgh:

"Proprietor" and "lands and heritages" shall have the same meanings as are attached thereto respectively in the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act for the "valuation of lands and heritages in Scotland;" and the expression "the valuation roll" shall mean the valuation roll in force for the time in any county or burgh, as the case may be, made up under the authority of the said Act, or any other Act relating to the valuation of lands and heritages in Scotland:

17 & 18 Vict. c. 91.

"Person" shall include corporation, incorporated company, commissioners, or trustees (not being county road trustees):

"Ratepayer" shall mean any person (not being a commissioner of supply) being of full age and not subject to any legal incapacity, whose name appears as proprietor, tenant, or occupier of lands and heritages entered on the valuation roll for the county as of the annual value of four pounds and upwards, or as joint proprietor, tenant, or occupier of lands and heritages entered on such roll of an annual value which, when divided by the number of such joint proprietors, tenants, or occupiers, yields a quotient of four pounds and upwards:

"Debt Commissioner" shall mean a Debt Commissioner appointed for the purposes of this Act:

"Local newspaper" shall mean any newspaper circulating in the county or burgh as the case may be:

Where in this Act notice is required to be given by "special advertisement," such notice shall be published once in at least two local newspapers.

Continuance of existing Local Acts.

Existing Local Acts to continue to 1st June 1883.

4. All Local Acts now in force for regulating, managing, making, maintaining, or repairing any turnpike road or statute labour road, or other highway situated or partly situated in any county (including the burghs wholly or partly within the same) in which tolls and statute labour, or either thereof, have not been abolished, shall continue in force until the first day of June one thousand eight hundred and eighty-three, and no longer, unless in the meantime this Act shall be adopted, or tolls and statute labour shall be legally abolished, in such county.

From and after the time at which any such Act or Acts shall cease to be in force in any county (including as aforesaid), this Act shall, unless Parliament otherwise provides, commence to have effect therein.

Where any Act relates to a turnpike road which is situated in more than one county, notwithstanding that such Act has ceased, in terms of this Act, to be in force in one county in which such road is situated, it may nevertheless continue to be in force in the other county or counties in which such road is situated.

25 & 26 Vict. c. 105.

For the purposes of this Act the Highland Roads and Bridges Act, 1862, shall be deemed and taken to be a Local Act, except in so far as it relates to piers and quays.

Provided always, that nothing contained in this Act shall have the effect of continuing in force the provisions of the Act passed in the ninth and tenth years of the reign of Her present Majesty, intituled "An Act for repairing certain roads in the counties of "Banff, Aberdeen, and Elgin," after the end of the next session of Parliament.

9 & 10 Vict. c. ccxxvii.

Certain Local Acts continued till adoption of Act.

5. Where any Local Act in force in a county in which tolls and statute labour have been abolished or are not exigible is limited as to its endurance, such Act shall continue in force until this Act shall be adopted in such county.

Adoption of the Act.

How Act may be adopted in counties.

6. The following provisions shall have effect with regard to the adoption of this Act:

(1.) Case of counties which have obtained Private Acts.

(1.) In those counties in which tolls and statute labour have been abolished, or are not exigible, or power has been obtained to abolish them, or to arrange for their abolition, this Act may be adopted in place of the Local Act or Acts relating to roads, highways, and bridges therein in force in such county, on a resolution to that effect agreed to by not less than two-thirds of the trustees under such Act or Acts present and voting at a meeting of the whole trustees of the county called by special advertisement on not less than thirty days notice, for the purpose of considering as to the adoption hereof; and the convener of any such county as aforesaid, on a requisition to that effect, signed by any six of the said trustees, being presented to him, shall call a meeting of the said trustees, with a view to consider a resolution in favour of the adoption of this Act, and in the event of such resolution not being carried

by the requisite majority as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter.

Upon the adoption of this Act in any such county any Local Act or Acts in force therein as aforesaid shall stand repealed.

(2.) Case of counties which have not obtained Private Acts.

(2.) In any other county this Act may be adopted on a resolution to that effect agreed to by a majority of the commissioners of supply of such county present and voting at a meeting called by special advertisement for the purpose on not less than thirty days notice; and the convener of any such county as aforesaid, on a requisition to that effect, signed by any six of the commissioners of supply of such county, being presented to him, shall call a meeting of the commissioners of supply, with a view to consider a resolution in favour of the adoption of this Act; and in the event of such resolution not being carried by a majority at such meeting as aforesaid, it shall not be lawful to call another meeting with a view to the adoption of this Act for one year thereafter:

Upon the adoption of this Act in any such county any Local Act or Acts in force therein relating to roads, highways, and bridges, shall stand repealed.

Provision for case of one county adopting and another county not adopting Act.

7. Where it shall happen that this Act has been adopted or is in force in any county, but has not been adopted or is not in force in the county or counties adjoining thereto, any obligation, right, privilege, or duty, in regard to the management and maintenance of and the debt affecting turnpike roads partly situated in two or more counties (including the burghs wholly or partly within the same), which, had this Act been adopted in the latter county or counties, would have fallen upon or belonged to the county road trustees, or burgh local authority or authorities thereof, shall fall upon or belong to the commissioners of supply thereof, and in so far as consisting of or resulting in payments of money, such payments shall be a good charge upon and be defrayed out of or may be borrowed upon the credit of the county general assessment of such county or counties: Provided always, that as soon as this Act shall have been adopted or be in force in such county or counties, the obligation, right, privilege, or duty before mentioned in so far as not already fulfilled, exercised, or discharged, and especially any obligation to repay any sums which may have been borrowed as aforesaid, and interest thereon, so far as unpaid, shall be transferred from the said commissioners of supply to the county road trustees of the said county or counties, and local authority or authorities of the said burgh or burghs, as the case may be: Provided that, where necessary for giving effect to the provisions contained in this section, "county road trustees" or "trustees" or "board" shall be held to mean and include commissioners of supply; and "county road clerk" shall be held to mean and include clerk of supply.

Wherever in terms of this section any obligation falls upon the commissioners of supply of a county, the trustees of such road shall, after providing for the expense of managing and maintaining the

same, pay over to such commissioners of supply the surplus of income accruing to them from the tolls which, subject to the provisions of this Act, may be exacted on such road; and the said trustees shall not be entitled to reduce the tolls exacted thereon without the consent of such commissioners of supply.

Act may be adopted subject to provisional agreement between county and burgh. Confirmation by Secretary of State.

8. It shall be lawful for the commissioners of supply of any county which has not abolished tolls, on a resolution to that effect agreed to by a majority of those present and voting at a meeting called by special advertisement on not less than thirty days notice, to resolve to adopt this Act, subject to the stipulations contained in a provisional agreement entered into between them and the local authority of any burgh or burghs situated wholly or partly within such county, and signed by the convener and clerk of supply of such county, and by the provost or chief magistrate and town clerk or clerk of such burgh or burghs, as duly authorised in that behalf, in regard to the debts affecting and the cost and manner of managing and maintaining any highway or highways in the neighbourhood of such burgh or burghs; but in the event of a resolution being passed, subject to such stipulations, such resolution and agreement shall not take effect until the same shall have been approved of by the Secretary of State, after such inquiry as to him shall seem proper. Such approval may be signified under the hand and seal of office of such Secretary of State, and the writing signifying the same shall set forth a date, not being earlier than the first day of June then next ensuing, from and after which such approval shall take effect. From and after the date set forth in such writing, the provisional agreement shall become a final agreement, and after being recorded in the books of council and session shall have the same effect as if it were herein contained, and the provisions of this Act shall be read and construed subject to the stipulations of such agreement.

Power to apply to Secretary of State for provisional order to be confirmed by Parliament.

9. At any time after the passing of this Act, if the Act shall not have been adopted in any county, it shall be lawful for the commissioners of supply thereof to apply to the Secretary of State to make a provisional order that the Act shall, from a date to be therein named, not being earlier than the first day of June then next ensuing, come into force in such county, subject to conditions contained in such order in regard to the debts affecting and the cost and manner of managing and maintaining any highway or highways in the neighbourhood of any burgh or burghs within or partly within such county.

Upon the receipt of any such application, such Secretary of State shall cause notice thereof to be given to the clerk of any burgh and to any other person, body, or corporation who shall appear to be affected thereby, and shall direct a local inquiry to be held in respect of the matters mentioned in the petition, after giving fourteen days notice of the time, place, and subject of the inquiry.

After receiving the report made upon such inquiry, such Secretary of State may issue a provisional order under his hand and seal of office in relation to the matters mentioned in the application, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite.

A provisional order made in pursuance of this section shall not be of any validity until and unless it has been confirmed by Act of Parliament; and it shall be lawful for such Secretary of State as soon as conveniently may be to obtain such confirmation; and the Act confirming such provisional order shall be deemed to be a Public General Act of Parliament, and is hereafter referred to as the confirming Act. From and after the passing of such confirming Act, this Act shall commence to have effect in such county as if it had been adopted therein as herein-before provided, but subject to the provisions of the confirming Act, which shall have effect as if they were herein contained.

It shall be lawful for such Secretary of State to make such order as he thinks fit in reference to the reasonable costs, charges, and expenses properly incurred in opposing such provisional order.

All costs, charges, and expenses incurred by such Secretary of State in relation to any provisional order under this Act, to such amount as such Secretary of State thinks proper to direct, and all costs, charges, and expenses of promoting or opposing such provisional order, but not including the costs incurred in promoting or opposing any Bill confirming such order before a committee of either House of Parliament as after mentioned, to such amount as may be allowed by such Secretary of State, shall be a charge against the county road trustees if a confirming Act is obtained as aforesaid, and shall be a charge against the county general assessment if such Act is not obtained, or against the police assessment levied within any burgh as the case may be, and shall be paid accordingly to such Secretary of State and to such opponents respectively, in such manner and at such times, and either in one sum or by instalments, as such Secretary of State may order, with power to such Secretary of State to direct interest to be paid at such rate not exceeding five pounds in the hundred by the year as such Secretary of State may determine, upon any sum for the time being due in respect of such costs, charges, and expenses as aforesaid.

The Court of Session may, on the application of the Lord Advocate on behalf of such Secretary of State, or on the application of any person interested, interpone their authority to any order made by such Secretary of State under this section, and grant decree conform thereto, upon which execution and diligence may proceed in common form.

Costs to be awarded in certain cases.

10. When any Bill for confirming a provisional order under the preceding section is referred to a Committee of either House of Parliament upon the petition of any person opposing such Bill, the committee shall take into consideration the circumstances under which such opposition was made to the Bill, and whether such opposition was or was not justified by such circumstances, and may award costs accordingly, to be paid by the promoters or the opponents to the Bill, as the committee may think just; and the committee shall find and determine against what funds or persons such costs shall be chargeable.

Any costs under this section may be taxed and recovered under the Act passed in the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter twenty-seven.

28 & 29 Vict. c. 27.

Road Authorities in Counties and Burghs.

11. From and after the commencement of this Act in each county the management and maintenance of the highways and bridges within the county shall, as herein-after particularly provided, be vested in and incumbent on the county road trustees herein-after mentioned, and the management and maintenance of the highways and bridges within each burgh situated in or partly situated in such county shall be vested in and incumbent on the burgh local authority as herein-before defined.

Management and maintenance of highways in counties to be in county road trustees, and in burghs in burgh local authority.

Appointment of County Road Trustees, Board, and Committees.

12. From and after the commencement of this Act the following persons shall be the "County Road Trustees;" viz.,

Appointment of county road trustees.

(1.) All persons being commissioners of supply of the county, whose names appear as such on the list of commissioners of supply of the county for the time being in force made up under the Act passed in the nineteenth and twentieth years of the reign of Her present Majesty, chapter ninety-three, and the Act passed in the twentieth year of said reign, chapter eleven (a certified copy of which list the clerk of supply shall deliver free of charge to the county road clerk, as soon as the latter is appointed, and thereafter in the month of January in each year) but subject to the provision that no commissioner of supply, whose qualification as such arises from property situated or office held in any burgh, shall be a county road trustee (save as herein-after provided), and that no factor deriving his qualification from the said Act, passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-one, whose name appears on such list shall be entitled to act or vote, except in the absence of the proprietor:

19 & 20 Vict. c. 93.

20 Vict. c. 11.

17 & 18 Vict. c. 91.

(2.) One person appointed at pleasure by any writing under the seal, or under the hand of the secretary or other officer, of any corporation or incorporated company assessed as owners for the purposes of this Act upon an annual valuation of eight hundred pounds or upwards, as appearing from the valuation roll of the county:

(3.) The following persons (herein-after called elected trustees), to be elected once in every three years, as herein-after provided, by the ratepayers under this Act from among their own number, in each parish wholly or partly situated in the county; (that is to say,)

(*a.*) Where the number of ratepayers does not exceed five hundred, two persons;

(*b.*) Where the number of ratepayers exceeds five hundred but does not exceed one thousand, three persons;

(*c.*) Where the number of ratepayers exceeds one thousand, four persons:

(4.) Two persons (who shall be deemed to be elected trustees) appointed from time to time from among their own number

by the commissioners of police of any police burgh as herein-before defined, within or partly within the county: Provided, that where the management and maintenance of the highways within any burgh shall have been, as herein-after provided, transferred to the county road trustees, the provost or chief magistrate and one member of the town council of any such burgh being a royal or parliamentary burgh, and the senior or chief magistrate and one of the commissioners of police of any other burgh, shall be county road trustees under this Act, and shall be deemed to be elected trustees.

Mode of election by ratepayers.

13. Within six weeks after the commencement of this Act, the ratepayers of each parish within the county entitled to elect trustees for the purposes of this Act shall meet, and elect by open vote two or more persons of their own number, as the case may be, to be such trustees, who shall continue in office for the three years succeeding such election or until their successors shall be appointed, and the convener of the county shall call the meeting for such election, in such convenient place in each parish as he may appoint, on not less than ten days notice given by special advertisement; and once in every three years thereafter the said ratepayers shall meet for the same purpose, and shall on the like notice be called and convened by the county road clerk; and at every such subsequent meeting two or more persons as aforesaid shall be elected as trustees for the purposes of this Act for the three years succeeding their election, or until their successors shall be appointed: Provided that the chairman of any such meeting shall immediately transmit to the convener of the county in the case of the first election under this Act, and at subsequent elections to the county road clerk a certificate under his hand, setting forth the name and designation of the persons elected, and such certificate shall be sufficient evidence of their election.

The ratepayer present having the largest valuation in the parish, as appearing from the valuation roll, shall be entitled to take the chair at any meeting for the election of trustees; and the valuation roll, which the inspector of poor of the parish shall be bound to produce at any such meeting, shall be evidence of the right of any ratepayer whose name appears therein to vote at such meeting: Provided that no commissioner of supply shall be entitled to vote at such meeting, and that no person shall be entitled to vote thereat in respect of any lands and heritages within a burgh or police burgh wholly or partly situated in such parish.

If there shall be an equality of votes for two or more persons, the candidate or candidates being the largest ratepayer or ratepayers shall be deemed to be elected.

Any question as to the number of trustees falling to be elected for any parish, or as to the election of any person as a trustee, may be disposed of summarily by the sheriff, whose decision shall be final.

Should the ratepayers fail to elect trustees at the first meeting called by the convener, or at any subsequent meeting called by the county road clerk, the convener or county road clerk, as the case may be, shall convene another meeting within six weeks for the purpose of electing trustees as herein provided.

14. The trustees shall be a body corporate, under the name of the County Road Trustees of the county, as the case may be, and under that name they may sue and be sued, purchase, take, hold, and dispose of lands and other property for the purposes and subject to the provisions of this Act. Trustees designated and incorporated.

15. The trustees shall at their first general meeting herein-after mentioned, and thereafter at each annual general meeting, appoint the "county road board," consisting of not more than thirty of the trustees, and not less than one third and not more than one half of the board shall be elected trustees, and the chairman of the trustees shall be over and above ex-officio a member of the board and chairman thereof; and the board shall have and may exercise all the powers, rights, and privileges conferred on the trustees by this Act, except the power of making an assessment, or in so far as the trustees shall otherwise expressly provide, but shall be subject in all respects to any requisitions, orders, regulations, or instructions which may from time to time be issued by the trustees. Appointment of county road board.

16. The trustees shall divide the county into districts for the purpose of managing the highways under their control, and for any other purposes under this Act, and shall define the limits and boundaries of such districts, and may from time to time alter such limits and boundaries, and they shall annually appoint for each district such of the trustees as they think fit, but being as far as may be persons deriving their qualifications as trustees from lands within such district, to be a district committee (of whom one, being, except as herein-after otherwise expressly provided, a member of the county road board, shall be declared to be chairman); and not less than one third and not more than one half of the district committee so appointed shall consist of elected trustees representing parishes or burghs or police burghs within the district, as herein-before provided. The enactments contained in this section shall not be imperative in the case of a county containing fewer than six parishes, or in the case of a county in which at the commencement of this Act tolls and statute labour have been abolished or are not exigible, but no provision has been made that such county shall be divided into districts for the purposes of the local Act or Acts in force therein. County to be divided into districts, and district committees appointed.

17. Any commissioner or commissioners of supply, qualified as such in respect of lands and heritages of an annual value (as appearing in the valuation roll) not less than one fourth of the total annual value (so appearing) of the lands and heritages in any such district, may appeal against any such division, definition, or alteration to the Secretary of State, who shall have power, by a writing under his hand and seal of office, which shall be published in the Edinburgh Gazette, and recorded in the Sheriff Court books of the county, after such inquiry as to him shall seem proper, to alter and define the limits and boundaries of the districts into which the county shall be divided, as he may consider expedient; and any such alteration and definition or determination by the Secretary of State shall remain in force for ten years, and thereafter until the same shall be altered by the Secretary of State upon the application of the trustees, or some commissioner or commissioners of supply, qualified as such in respect of lands and heritages of an Appeal to Secretary of State as to formation of districts.

annual value (appearing as aforesaid) not less than one fourth of the total annual value (so appearing) of the lands and heritages in any existing district, which alteration the Secretary of State shall have power to make in manner aforesaid.

Islands to be districts.

18. Provided always, that in every case where at the passing of this Act any island or group of islands or part of an island forms or is treated as a separate district as respects the management of highways, such district shall in all time after the commencement of this Act in the county of which such district forms part continue to form a separate district (herein-after called an insular district) for the purposes of this Act; and the highways in such district shall, after such commencement, be maintained and managed by a district committee, to be appointed by the county road board of such county, and consisting as far as may be of persons deriving their qualification as trustees from lands situated within such district, and such board shall nominate one of the members of such district committee, although not a member of the board, to be chairman of the district committee; and all assessments levied under the powers of this Act within such district for the management, maintenance, and repair of highways shall be expended in carrying into effect those purposes of this Act within such district, and in payment of a reasonable share of the necessary general expenditure incurred in such county in the execution of this Act and not otherwise, and no part of such assessment levied within the remaining parts of such county shall be expended for the management, maintenance, and repair of highways within such district.

Occasional vacancies to be supplied.

19. If any elected trustee for any parish shall resign (which he may do by any writing under his hand, addressed to the chairman of the trustees), or shall refuse to act, or shall die, or become disqualified, the board, if they think fit, may appoint a person, being a ratepayer of the same parish, to supply his place. If any member of the board or of a district committee, or the chairman of a district committee, shall resign (which he may do by any writing under his hand, addressed to the chairman of the trustees) or shall refuse to act, or shall die, or become disqualified, the board, if they think fit, may appoint a person, being a commissioner of supply or an elected trustee, as the case may be, and subject to the provisions herein-before contained as to the constitution of the board and the district committees respectively, to supply his place, and the person so appointed shall remain in office only so long as the person in whose room he was appointed might have held office.

Failure to elect not to invalidate acts of trustees.

20. If the town council of any royal or parliamentary burgh, or the commissioners of police of any other burgh or of any police burgh, or the ratepayers of any parish, or any corporation or incorporated company as herein-before mentioned, shall fail to elect or appoint trustees for the purposes of this Act, or if any person elected by such town council or commissioners of police or ratepayers, or appointed by such corporation or incorporated company, to be a trustee, or any other trustee, shall refuse to act, or shall resign, die, or become disqualified, the acts and proceedings of the remaining trustees, whether acting as trustees or as members of the board or of a district committee, as herein-after provided, shall nevertheless be deemed to be the acts and proceedings of the trustees, board, or

district committee, as the case may be, and shall be as valid and effectual as they would have been if such failure, refusal, resignation, death, or disqualification had not occurred.

Meetings of Trustees, Board, and Committee.

Time and place of general meetings of the trustees.

21. The first general meeting of the trustees shall be called by the convener of the county by special advertisement, and shall be held not later than three months after the commencement of this Act, at such time and place as the said convener shall appoint, and another general meeting of the said trustees shall be held on the thirtieth day of April immediately following or on such other day as may be resolved on at the first general meeting of the trustees, and at such place as the said trustees may appoint; and thereafter an annual general meeting of the trustees shall be held on the twenty-ninth day of September in each year, or on such other day as may be resolved on at any general meeting of the trustees, and at such place as the trustees may from time to time appoint; and at the said first general meeting, and at every annual general meeting, the trustees present shall elect one of their own number to be chairman of the trustees, and in the event of an equal number of votes being given for two or more candidates, the candidate having or representing the largest valuation in the county, as appearing on the valuation roll, shall be held to be elected; and such chairman shall hold office until the annual general meeting succeeding his appointment, or until his successor is appointed, and may be re-elected on the expiration of his first or other period of office; and the chairman shall, when present, preside at all meetings of the trustees.

Meetings of board and district committees.

22. The time and place of the first meeting of the board shall be fixed by the trustees, and the time and place of any subsequent meeting may be fixed by the board itself; and the time and place of the first meeting of each district committee shall be fixed by the board, and the time and place of the subsequent meetings may be fixed by such district committee, without prejudice to the right of adjournment or of holding special meetings herein-after provided.

Quorum at meetings of trustees, board, and committee.

23. The trustees shall at their first meeting determine what number of trustees shall be requisite to constitute a quorum at meetings of the trustees and of the board, and of the several district committees, respectively; and it shall be in the power of the trustees to alter such quorum from time to time as they may think fit; but no such alteration shall take effect until after the expiration of three months from the date of its being made and, in the case of a district committee, of its being communicated in writing by the county road clerk to the chairman thereof.

General Regulations for conducting the Business of Meetings.

Regulations as to meetings and proceedings of trustees, board, and district committees.

24. The following provisions shall be applicable to the meetings and proceedings of the trustees, the board, and the district committees respectively:

(1.) Special meetings of the trustees or of the board may be called by the chairman, or in the event of his illness, death, resignation, or absence from the county, by the clerk, at any time he may think fit, by special advertisement or by circular sent through the post to each trustee or member

of the board, stating the object of such meeting; and on a requisition stating the object of such special meeting, and signed by five trustees in the case of a special meeting of the trustees, and by three members of the board in the case of a special meeting of the board, being presented to the chairman, or in the event of his illness, death, or resignation, or absence from the county, to the clerk, the chairman or clerk, as the case may be, shall call a meeting of the trustees or of the board, as the case may be, by special advertisement or by circular sent through the post to each trustee or member of the board, stating the object of such meeting, and the place and date of such meeting: Provided, that no special meeting of the trustees or board shall be called on less than ten days notice:

(2.) Special meetings of any district committee may be called at any time by the district clerk, on the orders of the chairman or any two members of the committee, by circular stating the object of such meeting, and the place and date of such meeting, addressed to each member of the committee, and forwarded by post not less than six days before such meeting:

(3.) Any meeting, general or special, of the trustees, or of the board or district committee, may be adjourned to a time and place to be specified in the minutes of such meeting; and in the event of a quorum not being present at any general or special or adjourned meeting the clerk of the meeting shall, in the case of meetings of the trustees or of the board, by special advertisement or circular, and in the case of district committees by circular, as herein-before provided call another meeting, to be held at the hour and place and on any day, not being less than ten or six days after the date of the special advertisement or circular, as the case may be, within three weeks after the day originally fixed for such meeting:

(4.) Any business appointed by this Act to be transacted, and any assessment by this Act authorised to be imposed at any general or special meeting of the trustees or the board or any district committee, may be transacted or imposed at any adjourned meeting thereof; provided, that no business shall be brought before or transacted at such adjourned meeting which was not brought or appointed to be brought before the original meeting which was so adjourned:

(5.) No motion in regard to any matter or business not mentioned in the advertisement or special advertisement or circular calling any meeting shall be competent, unless notice of the same had been given at the immediately preceding meeting (not being a special or adjourned meeting) or by circular sent through the post not less than eight days before the meeting and addressed to every person entitled to be present and vote thereat:

(6.) Where the business before any meeting relates to the valuation, or allocation, or payment of debts, or the interest thereof, or the mode of providing therefor, or the construction of

new roads or bridges, the assessments to provide for the payment or cost of which are by this Act laid on proprietors only, no elected trustee shall be entitled to vote in regard thereto, or in regard to such assessments:

(7.) No person shall have more than one vote at any meeting under this Act, although he may have more than one qualification for voting, except as herein-after provided in the case of the chairman or preses of any meeting:

(8.) The board or any district committee may appoint a committee or committees of their own number for the better execution of the powers hereby granted to them, and such committee shall report their proceedings to the board or district committee appointing them, and every act, order, or thing which shall be done, ordered, or performed by such committees, on being approved of by the board or district committee, shall be equally valid and sufficient as if ordered, done, or performed by the board or district committee.

Chairman to be elected in absence of ordinary chairman.

25. In the absence of the chairman at any meeting of the trustees or of the board or of any district committee, any person elected by the majority of the trustees or members present at such meeting, shall preside thereat; and in case of an equality of votes the trustee or member present and proposed as chairman having or representing the largest valuation in the county or district, as the case may be, and as shown by the valuation roll, shall preside at such meeting, and in all other cases of equality of votes the chairman shall have a casting as well as a deliberative vote.

District committees and board to make reports.

26. Each district committee shall annually make a report of their proceedings to the board, with detailed accounts of their receipts and expenditure, and shall make reports on such other matters at such times and in such manner as may be prescribed by the trustees or the board; and the board shall before each annual general meeting of the trustees make a report of their proceedings to the trustees, with detailed accounts of their receipts and expenditure (if any), and shall make reports at such other times on such matters as may be prescribed by the trustees; and along with such annual report the board shall lay before the trustees the reports and accounts of the district committees respectively.

Appeal from decision of district committee.

27. Any person who shall object to or think himself aggrieved by the decision or resolution of any district committee may appeal, at any time within one month after such decision or resolution, to the board, whose determination therein shall be final; provided, that such appeal shall not prevent the execution of any of the powers of this Act in any matter affecting any other person not being a party in such appeal.

Appointment of Officers.

Appointment of county officers.

28. The trustees shall appoint a clerk, who shall also be clerk to the board, and shall be called the "county road clerk," a treasurer, who shall be called the "county road treasurer," and a collector, who shall be called the "county road collector," and, if they shall think fit a surveyor, who shall be called the "county road surveyor," and, if it shall be found expedient, may appoint more persons than one

to execute any of the above-named offices, or may appoint one person to execute two or more of them, and may also appoint such other officers and servants as they may think necessary for carrying this Act into execution; and such officers and servants shall perform the duties from time to time prescribed by the trustees or the board, and shall be subject to removal at any time by the trustees or the board, unless in so far as the power of removal may be modified by special written agreement, which shall not endure for a longer period than five years, and shall find such security as the trustees or the board shall require.

Appointment of district officers.

29. Each district committee may from time to time appoint a district clerk and a district treasurer, and, with the consent of the trustees, a district collector (it being competent to appoint one person to hold more than one of such offices) and a district road surveyor, and prescribe their or his duties; and, subject to the approval of the trustees, the district committee may fix the salaries to be paid to and the security to be taken from such district clerk, district treasurer, district collector, and district road surveyor, for the discharge of their or his duties, where such security is required to be taken; and every such officer shall be subject to removal at any time by the district committee: Provided that it shall be competent for any district committee to appoint to any one or more of such offices any of the officers appointed by the trustees or the board or by another district committee. Every district road surveyor shall be subject to the reasonable orders of the county road surveyor, if one shall be appointed.

Salaries of county road officials. Allocation of general expenditure.

30. Subject to the approval of the trustees the board shall fix the salaries and allowances to be paid to the several officers and servants appointed and employed by the trustees and the board; and such salaries and allowances, and all other necessary general expenditure in the execution of this Act, shall be paid out of the several funds and revenues at the disposal of the trustees, in such manner, at such times, and in such proportions as the trustees shall from time to time fix and determine.

Former officers to continue till removed.

31. The clerks, treasurers, surveyors, collectors, and all other officers who have been appointed under and employed in the execution of any local Act in force at the commencement of this Act relating to the roads, highways, and bridges within the county, (including the burghs wholly or partly situated therein) shall respectively continue to hold and exercise their offices thereafter until they shall respectively be removed by the trustees or board or burgh local authority, as the case may be, or shall resign or be incapable of executing their offices, and shall be subject to the like rules, regulations, and penalties in all respects as if they had been appointed under the authority of this Act; and it is hereby provided that the trustees under such local Acts, or the trustees and burgh local authority respectively, shall have a discretionary power to grant to any of the officers before mentioned, or to any of the officers appointed under this Act, such superannuation allowance, or other compensation, in the event of and to take effect on their immediate or subsequent retirement or removal from their respective offices, as they shall deem fit: Provided always, that any such grant made by the trustees under any such local Act may be reduced or rescinded

by the county road board of the county, out of the assessments leviable within which such allowance or compensation is payable, if such board shall consider the same excessive or improper, and that if any officer to whom any such allowance or compensation shall have been so granted shall hold office under the trustees, board, or any district committee of such county, the amount of such allowance or compensation shall be deducted from the salary payable to him by such trustees, board, or district committee, so long as he shall continue to hold such office.

General Management in Counties and Burghs.

Consolidation of trusts.

32. From and after the commencement of this Act, the whole turnpike roads, statute labour roads, highways, and bridges within each county respectively shall form one general trust, with such separate district management as shall be prescribed by the trustees as herein-before provided; and all the roads, bridges, lands, buildings, works, rights, interests, moneys, property, and effects, rights of action, claims and demands, powers, immunities, and privileges whatever, except as herein-after provided, vested in or belonging to the trustees of any such turnpike roads, statute labour roads, highways, and bridges within the county, shall be by virtue of this Act transferred to and vested in the county road trustees appointed under this Act, who, subject to the qualifications herein-after expressed, shall be liable in all the debts, liabilities, claims, and demands in which the trustees of such turnpike roads, statute labour roads, highways, and bridges are or were liable under any general or local Act then in force, except in so far as such debts, liabilities, claims, and demands may under the provisions of this Act be discharged, reduced, or extinguished.

Abolition of tolls, statute labour, causeway mail, &c.

33. From and after the fifteenth day of May, or from and after the twenty-sixth day of May when the leases of the tolls in any county run from that date, immediately following the commencement of this Act in any county in Scotland, where such commencement shall happen before the year one thousand eight hundred and eighty-three, and otherwise from and after the first day of June one thousand eight hundred and eighty-three, all tolls within such county, and within any burgh wholly or partly situated therein, shall be abolished, and the exaction of statute labour, and any payments of money by way of conversion or in lieu thereof, and all bridge money and assessments heretofore leviable for the maintenance of highways within such county or burgh, shall cease and determine, any Act or Acts to the contrary notwithstanding; and all turnpike roads within the same shall thereafter be and become highways, and all highways shall be open to the public free of tolls and other exactions, except as herein-after provided, within the meaning of and for the purposes of this Act: Provided always, that all the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to turnpike roads shall continue applicable to all highways which are turnpike roads at the passing of this Act. 8 & 9 Vict. c. 33.

All causeway mail shall be abolished within any burgh from and after the fifteenth day of May first occurring not less than four years after the commencement of this Act in the county within which such burgh is situated or partly situated.

Notwithstanding that the other provisions of this Act shall not be in force in any county (including the burghs wholly or partly situated therein), all causeway mail within such burghs shall be abolished from and after the fifteenth day of May one thousand eight hundred and eighty-seven.

Rate may be levied within burghs in lieu of causeway mail abolished.

34. It shall be lawful for the magistrates and council of any burgh in which causeway mail by this Act provided to be abolished is payable or leviable, to levy from and after such abolition from the occupiers of lands and heritages within such burgh, in lieu of such causeway mail payable or leviable as aforesaid, a rate or rates by way of assessment calculated to yield in the whole in the year an amount equal to the net yearly amount of such causeway mail payable or leviable as aforesaid, and no more, but not exceeding in the whole for any one year the amount of threepence in the pound sterling, on the valuation of the assessable property within the boundaries of such burgh, and such rate may be levied either as a separate rate or as part of and in addition to, but always under the same conditions, and subject to the same restrictions and exemptions as any police or burgh rate levied or leviable within such burgh: Provided that the rate or rates to be levied in lieu of such causeway mail payable or leviable as aforesaid, shall, ipso facto, come in place of any security held by any creditor or creditors of such burgh over such causeway mail:

Provided also, that the said magistrates and council shall not be bound under this section to impose any rate other than a rate of one farthing or an entire number of farthings in the pound.

Application of tolls and statute labour money at present leviable.

35. Until the said fifteenth day of May, or twenty-sixth day of May, or first day of June, as the case may be, the tolls and revenues of each of the roads now maintained as turnpike roads, and all assessments now leviable for the maintenance of highways within a county shall respectively be received and applied by the trustees to the several purposes to which they are respectively applicable under the existing Acts relating thereto.

Trustees to purchase pontages, &c.

36. The trustees of any county or counties, and the local authority of any burgh or burghs, shall, as soon as may be after the commencement of this Act in such county or in any of such counties, adjust and settle with the persons or trustees having the management of any bridge or bridges, forming part of or connecting any highways, whether situated wholly in one county or burgh or not, at which pontages are legally leviable by any persons or trustees, or the magistrates and town council of any burgh, what compensation shall be paid to him or them in respect of his or their patrimonial interest in such pontages abolished by this Act; and if they and such person or trustees, or magistrates and town council, cannot agree as to the compensation to be made for the said pontages, then the same shall be fixed and determined, as nearly as may be, in the same manner as is herein-after provided in relation to the valuation of road debts, and shall be paid and provided for in the same manner as road debts: Provided that where such bridge or bridges is or are not situated wholly within one county or burgh, the sums payable under this section shall be allocated in the same manner as is herein-after provided in relation to the allocation of road debts; and such bridge or bridges shall, after the compensation aforesaid

has been fixed and determined, be highways free of pontages, and be vested, managed, and maintained as such, and where not situated wholly in one county or burgh, shall be subject to the provisions herein contained with regard to bridges similarly situated belonging to turnpike trusts at the commencement of this Act. For the purposes of this section "trustees" shall include the commissioners of supply of a county in which this Act has not been adopted or is not in force.

Roads formerly turnpike not wholly situated in one county or burgh.

37. Where any trust existing at the commencement of this Act embraces a turnpike road which is not situated wholly within one county or burgh the following provisions shall have effect; (that is to say,)

(1.) Where this Act shall have been adopted or shall be in force in each of the counties in which such road is situated:

(*a.*) The portion of such road within each such county or any burgh therein shall be vested in and managed and maintained by the trustees, board, and district committees of the county, or the local authority of the burgh, as the case may be, in which such portion is situated:

(*b.*) The whole assets of the trust shall, except as herein otherwise provided, be valued and allocated among the trustees of the counties and local authorities of the burghs respectively in the proportion and in the manner in which the debt affecting such turnpike trust shall be valued and allocated among the trustees of such counties and the local authorities of such burghs respectively under the provisions of this Act:

(*c.*) All lands, heritages, works, and buildings belonging to any such trust locally situated within any county or burgh shall be and are hereby transferred to the trustees of such county or local authority of such burgh, as the case may be, within which the same are so situated, and shall be applied and used or may be sold and disposed of under the powers and for the purposes of this Act:

(*d.*) Where a bridge is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be a charge equally against the trustees of the county or counties and local authority or authorities of the burgh or burghs within which it is partly situated. The management of the bridge shall, failing agreement, be vested in a committee (herein-after called a joint bridge committee) to be appointed by the trustees or local authorities chargeable with the cost of maintenance and rebuilding:

(2.) Where this Act shall have been adopted or shall be in force in one or more of the counties or burghs in which such road is situated, but shall not have been adopted or shall not be in force in all of such counties or burghs:

(*e.*) The portion of such road within any county or burgh in which this Act has been adopted or is in force shall be vested in and managed and maintained by the trustees, board, and district committees of the county or the local authority of the burgh, as the case may be, in which such portion is situated:

(*f.*) The portion of such road within any county or burgh in which this Act has not been adopted or is not in force shall continue to be vested in and managed and maintained by the trustees having the management thereof at the commencement of this Act:

(*g.*) The whole assets of the trust shall, except as herein otherwise provided, be valued and allocated among the trustees of the respective counties and local authorities of the burghs situated therein and the trustees having the management of such road, as nearly as may be, in the proportion and in the manner in which debts affecting turnpike trusts shall be valued and allocated among the trustees of counties and local authorities of burghs respectively under the provisions of this Act:

(*h.*) All lands, heritages, works, and buildings belonging to the trust locally situated within any county or burgh shall be and are hereby transferred to the trustees of such county or local authority of such burgh within which the same are so situated or the trustees having the management of such road, as the case may be, and shall be applied and used or may be sold and disposed of under the powers and for the purposes of this Act or of the Act under which the trustees having the management of such road were constituted, as the case may be:

(*i.*) Where a bridge is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be a charge equally against the trustees of the county or local authority of the burgh within which it is partly situated and the trustees having the management of such road, as the case may be. The management of the bridge shall, failing agreement, be vested in a joint bridge committee to be appointed by the trustees (whether appointed and acting under this Act or not), or local authorities chargeable with the cost of maintenance and rebuilding.

Bridge (not formerly turnpike) not wholly situated in one county or burgh.

38. Where a bridge, not at the commencement of this Act included in a turnpike road trust, is not situated wholly within one county or burgh, the expense of maintaining, and if need be of rebuilding, the same shall, failing agreement, be deemed to rest equally

upon the trustees (whether acting under this Act or not) and local authority or authorities of the counties, or county and burgh, or burghs within which such bridge is partly situated, as the case may be.

The management of such bridge shall, failing agreement, be vested in a joint bridge committee appointed by the trustees or local authorities chargeable with the cost of maintenance and rebuilding, unless, on an application of either party to the sheriff, he shall otherwise determine.

Appointment and powers of joint bridge committee.

39. The following provisions shall have effect as to the appointment, powers, and duties of a joint bridge committee:

(1.) A joint bridge committee shall be appointed annually at such date as may be agreed on between the road authorities appointing representatives thereon, and each road authority may appoint not more than five persons to be members of such committee;

(2.) A joint bridge committee shall have power to appoint a chairman, and to appoint and remunerate such officers as shall be necessary for the management of the bridge, such officers, as far as possible, being already officers of the road authorities by whom the committee is appointed;

(3.) In the event of difference of opinion, the representatives of each road authority shall jointly have one vote, and if there is an equality of votes, the question shall be referred to a standing arbitrator to be named annually by the committee, or, failing such nomination, by the sheriff of any adjoining county.

Detached parts of counties to form part of the county by which they are surrounded.

40. Any detached part of a county shall, for the purposes of this Act, except in so far as otherwise expressly provided, be considered as forming part of that county by which it is surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which it has the longest common boundary: Provided that such detached parts of counties, if consisting only of parts of parishes, shall respectively be considered for all the purposes of this Act to be parts of the parishes by which they are surrounded, or if partly surrounded by two or more parishes, then as forming part of that parish with which they have the longest common boundary.

This section shall not have the effect of subjecting the proprietor of any lands and heritages within such detached part to assessment for road debts affecting the county or counties by which such detached part is surrounded; but such proprietor shall be and remain liable for any assessments for road debts affecting the county of which such detached part was originally a portion.

A commissioner of supply, the subject of whose qualification is situated within any such detached part of a county, shall be entitled to act as a trustee under this Act for the county of which such detached part is in terms of this section considered to form a part; but shall not be entitled to act as a trustee for such first-mentioned county unless he possesses a qualification beyond the boundaries of such detached part thereof sufficient to entitle him to be enrolled as a commissioner of supply for such county. The clerk of supply of any county from which a part or parts are detached

shall, in each month of January after the passing of this Act, transmit, free of charge, to the clerk of supply of each county in which any such detached part is so included, a certified copy of the valuation roll in so far as applicable to such detached part or parts and a list of the persons qualified as commissioners of supply in respect of property therein.

A ratepayer, the subject of whose qualification is situated within any such detached part of a county, shall be deemed to be a ratepayer within the county of which such detached part is in terms of this section considered to form a part; but shall not be deemed to be, in respect thereof, a ratepayer of such first-mentioned county.

List of highways to be made up. Alteration of list.

41. The board shall, at their first meeting, or at an adjournment thereof, make up a list of the roads, highways, and bridges under their management and control; but no road, highway, or bridge shall be then put on such list unless it had before the commencement of this Act been in use to be maintained out of public funds derived from tolls or assessments or other sources of revenue. The roads, highways, and bridges on such list, and no other, shall be maintained and repaired out of the assessments levied under this Act; and no alteration on or addition to such list shall be made except as herein-after provided.

Highways may cease to be such, and other roads may become highways.

42. The trustees may, on a written report from the board recommending the same, declare, at any annual general meeting, that any highway shall cease to be a highway within the meaning and for the purposes of this Act, and that whether another highway shall have been substituted therefor or not; or that any road or bridge which at the commencement of this Act was not maintained out of public funds derived as aforesaid, shall, with the consent of the proprietor, which consent he may effectually give although not an absolute owner, be a highway within the meaning and for the purposes of this Act and as such be added to the list mentioned in the preceding section; but such declaration shall not be competent unless the county road clerk shall have given notice of the same by special advertisement, and by printed notices affixed to the principal door of each church in every parish in which any part of such road, highway, or bridge is situated, and also affixed in some conspicuous place at both ends of such road, highway, or bridge, for at least one month before the date of the meeting at which such declaration is made.

A highway ceasing to be a highway may be shut up.

43. After a road has, as herein-before provided, ceased to be a highway, the trustees may resolve that it shall be shut up, but such resolution shall not take effect until the expiration of six months from the date thereof: Provided always, that thirty days notice of the intention to propose a resolution to that effect shall be given by advertisement in any newspaper usually circulating in the county in which such road proposed to be shut up is situated, and that, upon such resolution being carried, the county road clerk shall give notice of the same by special advertisement, and by printed notices affixed to the principal door of each church in every parish in which any part of such road is situated, and also by printed notices affixed during the said six months in some conspicuous place at both ends of such road.

The determination of the trustees under the preceding section shall be final and not subject to review in any court or in any process or proceeding whatsoever, unless any three ratepayers who shall be dissatisfied with such determination shall, within fourteen days after the date thereof, appeal to the sheriff, and the resolution of the trustees under this section shall in like manner be final and not subject to review, unless any three inhabitants who shall be dissatisfied therewith shall, within six months after the date thereof, appeal to the sheriff, who shall hear and determine the appeal in a summary way, and the decision of the sheriff shall be final and not subject to review, and the expenses of such appeal shall be in the discretion of the sheriff.

The ground occupied by any road which has been shut up in terms of this section shall fall and belong to the person or persons whose lands immediately adjoin thereto, and from whom or his or their predecessor or predecessors the ground so occupied was acquired without payment; and if any question shall arise as to the person or persons to whom such ground should fall and belong, the same shall be disposed of by the sheriff, whose decision shall be final: Provided, that if a price was originally paid for such ground the trustees shall dispose of the same as nearly as may be in the manner herein provided in regard to toll-houses.

Toll-houses to be first offered to adjoining proprietors.

44. The trustees before selling any toll-house or other building belonging to them shall first offer the same, together with the site thereof, to the person or persons whose lands immediately adjoin thereto, at a price to be fixed by a valuator, to be named by the sheriff, and the price obtained for such toll-house or other buildings shall be applied in the first place to the payment of road debts, if any, and the balance, if any, to the general purposes of this Act: Provided always, that in fixing such price the valuator shall take into consideration the terms and conditions upon which such site was originally acquired.

Provision for footpaths.

45. It shall be lawful for a district committee, or for the board where the county is not divided into districts, subject to the approval of the trustees, to make and, if made, to maintain footpaths on the side or sides of any highway.

Boundaries of burghs.

46. The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes under the provisions contained in any general or local Act of Parliament, or, when no police assessment is levied, as the same are or may be ascertained, fixed, or determined, for municipal purposes.

Local authority to have management of roads within burghs.

47. From and after the commencement of this Act, the highways and bridges situated within any burgh shall be by virtue of this Act transferred to and vested in the local authority of such burgh, and such local authority shall have the entire management and control of the same, and shall possess the same rights, powers, and privileges, and be subject to the same liabilities in reference to such highways, and bridges (including the construction of new roads and bridges) as the trustees under this Act possess and are liable to in reference to roads, highways, and bridges (including as aforesaid) in the landward part of the county, including the right to any assets belonging thereto, and shall also have and may

exercise with reference to the construction, maintenance, and repair of the roads, highways, and bridges within their respective boundaries, such and the like powers and authorities as they possess with reference to any streets within their respective boundaries: Provided that the local authority of any burgh not containing more than ten thousand inhabitants according to the census last taken may, by a resolution passed at a meeting summoned for the purpose, on not less than one month's notice, by special advertisement, devolve the management and maintenance of the highways and bridges within the boundaries or forming the boundary thereof upon the trustees of the county within which such burgh or any portion thereof is situated, on payment to such trustees of such an annual sum or upon such terms as may be agreed upon; and in default of such agreement, on payment of such sum or upon such terms as shall from time to time be settled on the summary application of either party by the sheriff, who shall take into consideration the proportion of traffic from the county passing through the burgh, and all the other circumstances of the case, and whose decision shall be final: Provided also, that any such resolution of the local authority of a burgh may be rescinded, with the consent of and on such terms as may be agreed upon with the county road trustees, and thereupon the original rights, powers, privileges, and liabilities of the said local authority shall revive in full force and effect.

Burgh within county where Act not in force may, by agreement or otherwise, assume management, &c. of highways within it.

48. In any county in which tolls and statute labour have been abolished or are not exigible, and in which this Act is not in force, it shall be lawful at any time after the passing of this Act, for the local authority of any burgh situated therein, being a burgh within the meaning of this Act, at a meeting summoned for the purpose on not less than one month's notice, by special advertisement, to resolve to undertake the management and maintenance of the highways within the burgh; and it shall thereupon be lawful for such local authority to agree with the county road trustees or other authority having the charge of the highways within the county as to the terms upon which the highways within the burgh, together with a proportionate part of the debt, if any, affecting the highways within the county, shall be transferred to such local authority, and, failing agreement, the said terms shall be settled on summary application by the sheriff, who shall take into consideration all the circumstances of the case, and whose decision shall be final, and upon the parties agreeing as aforesaid, or upon the terms of transference being settled as aforesaid, the highways within the burgh shall be transferred to and vested in the local authority thereof, who shall have the entire management and control of the same, and shall possess the same rights of assessment, and other rights, powers, and privileges (including the appointment of a clerk or clerks, surveyor or surveyors, and other necessary officers), and be subject to the same liabilities in reference to the highways (including the construction of new roads and bridges) therein, and debt, if any, affecting the same, as the burgh local authority of any burgh under this Act possess and are liable to in reference to the highways (including as aforesaid), and also in reference to the streets within such burgh: Provided always, that any such resolution of the local authority of a burgh may be rescinded, with the

consent of and on such terms as may be agreed upon with the county road trustees or other authority as aforesaid, and thereupon the original rights, powers, privileges, and liabilities of the said county road trustees or other authority in regard to the highways within such burgh, and the debt, if any, affecting the same, shall revive in full force and effect.

Maintenance and Repair of Highways and Assessments therefor.

Report on condition of highways, and estimate cost of maintenance.

49. Every district surveyor shall, on or before the thirtieth day of March in each year make up and deliver to the clerk of the board, and to the clerk of the district committee of his district respectively—

(1.) A report of the condition of the highways within his district:

(2.) A specification of works and repairs proposed to be executed thereon; and

(3.) An estimate of the sums required for the purposes of the highways within the district for the year from the fifteenth day of May immediately following to the fifteenth day of May in the year succeeding; and each district committee shall, on or before the fifteenth day of April in each year, consider such reports and estimates, and shall immediately transmit the same, together with their recommendations, if any, to the clerk of the board, to be by him laid before the annual meeting of the board.

Where a county is not divided into districts the duty in this section imposed on the district surveyor with respect to his district shall be, as nearly as may be, discharged by the surveyor with respect to the whole county.

Board to meet and consider reports.

50. The board shall hold an annual meeting on such day between the fifteenth day of April and the fifteenth day of May in each year, as they may fix, for the purpose of considering the reports, specifications, and estimates before-mentioned, and relative deliverances of the respective district committees, if any, and shall consider and review the same, and give such orders as may seem necessary thereanent, and their decision shall be final.

Roads or highways may be shut up for repairs.

51. The board or any district committee on a written report from the surveyor or district surveyor that it is necessary to shut up for a limited period any highway, for the purpose of repairing the same, may from time to time authorise the shutting up of such highway for such period as they may deem necessary; provided, that notice of the intention so to shut up a highway shall be given by advertisement in a newspaper circulating in the county or district within which such highway is situated at least fourteen days before such highway shall be so shut up: Provided always, that upon a written report by the surveyor or district surveyor that any highway has become or is about to become dangerous, it may be shut up by the written order of any two members of the board or district committee without any previous notice; but notice shall be immediately given, by advertisement as aforesaid, that it has been shut up.

Assessments in counties for management,

52. The amount required for the management, maintenance, and repair of highways within each district respectively, or, in the option of the trustees, within the several parishes constituting

maintenance, and repair.

such district, along with a proportion of the general expenses of executing this Act, as allocated by the trustees in manner hereinbefore mentioned, shall be levied by the trustees by an assessment to be imposed at a uniform rate on all lands and heritages within such district, or, in the option of the trustees, within each of the parishes constituting such district as aforesaid; and such assessment shall be paid, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same is imposed, except in the case of lands and heritages entered in the valuation roll as of the annual value of four pounds or under, in which case the whole of the assessment imposed on such lands and heritages may, in the option of the trustees, be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier; provided, that outgoing tenants or occupiers, removing from lands and heritages during the currency of the year for which such assessments have been imposed, shall have a right of relief against the incoming tenants or occupiers for the proportion of the assessment applicable to the period of the year remaining unexpired at their removal.

Where a county is not divided into districts the assessments by this section authorised shall be imposed upon the whole lands and heritages within the county in the same manner and subject to the same conditions, in and under which they are hereby authorised to be imposed upon the lands and heritages within a district.

Maintenance of bridges in two districts.

53. Where any bridge is partly situated in one district and partly in another district, the burden of maintaining and repairing such bridge shall be deemed to rest equally on such districts, and the management thereof shall be vested in such manner as the trustees shall determine.

Assessment in burghs for maintenance and repair.

54. The amount required for carrying out the provisions of this Act within any burgh or by the local authority thereof where there is no rate or assessment now levied wholly or partly for the maintenance and repair of streets or roads within the same, shall be levied by the burgh local authority, at such rates as may be necessary for the purpose, by an assessment to be imposed and levied on all lands and heritages within the burgh; and such assessment shall be paid, except as otherwise expressly provided, one half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which such assessments are imposed, unless where the name of the tenant or occupier is not set forth in the valuation roll, in which case the whole of the assessment imposed on such lands and heritages may be levied from and paid by the proprietor, who shall be entitled to recover the half thereof from the tenant or occupier.

Former modes of assessment may be retained in certain burghs.

55. Where in any burgh at the time of the commencement of this Act the management and control of the streets and roads within the same, and the power to levy any rates or assessments wholly or partly in respect thereof, is vested in the burgh local authority, in virtue of any general or local Act of Parliament, it shall be lawful to continue to impose and levy such rates or assessments, and the amount required for carrying out the provisions of this Act within such burgh or by the local authority thereof shall be included in the sums for payment of which such rates or assessments may be

imposed and levied: Provided that such rates and assessments if limited to a maximum may be raised above such maximum, but only to an extent sufficient to produce the amount required for executing this Act as aforesaid: Provided also, that such burgh local authority may, at any meeting called for the purpose, on not less than one month's notice, by special advertisement, pass a resolution that such rates and assessments shall, from and after a date to be fixed in the resolution, thenceforth cease to be levied in respect of such streets and roads; and in the event of such resolution being carried by a majority of votes, the maintenance and repair of the streets and roads, and all expenses connected therewith and with the carrying out the provisions of this Act, shall, from and after such date, be provided for by an assessment within the burgh to be imposed and levied and to be payable as provided in the immediately preceding section, except as otherwise herein-after provided.

Contracts by Road Authorities.

Power for road authorities to make contracts in respect of repair of roads, highways, or bridges.

56. Contracts in relation to roads, highways, and bridges may be entered into as follows:

(1.) By the trustees of any county with the trustees of any other county, or the local authority of any burgh, or by the local authority of any burgh, with the local authority of any other burgh, or the trustees of any county, for the maintenance and repair of any road, highway, or bridge which, or any continuation or part of which, lies within the jurisdiction of the parties to such contract; and

(2.) By the trustees of any county or the local authority of any burgh with any contractor or other person or persons for the repair of any roads, highways, or bridges, which such trustees or local authority are liable to repair, or for the repair of any portion thereof.

Any moneys duly payable in pursuance of any contract under this section in respect of the maintenance and repair of roads, highways, or bridges to any authority, person or persons, who have so repaired the same, shall be deemed to be expenses duly incurred by the authority paying such moneys in the performance of their duties as the road authority of the road, highway, or bridge in respect of which such moneys are paid.

The duration of a contract under this section shall not exceed three years.

The board or a district committee, with the consent of the trustees of any county, may exercise the powers conferred by this section on such trustees.

Extraordinary Traffic.

Power of road authority to recover expenses of extraordinary traffic.

57. Where by the certificate of their surveyor or district surveyor it appears to the authority which is liable to repair any highway that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same or by extraordinary traffic thereon, such authority may recover in a summary manner before the sheriff (whose decision shall be final),

from any person by whose order the excessive weight has been passed, or the extraordinary traffic has been conducted, the amount of such extraordinary expenses as may be proved to the satisfaction of the sheriff to have been incurred by such authority by reason of the damage arising from such excessive weight or traffic as aforesaid.

Provided that any person against whom expenses in respect of the passing of excessive weight or of extraordinary traffic are or may be recoverable under this section, may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such passing of such excessive weight, or of such extraordinary traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section. This section shall have effect in every county in Scotland, notwithstanding that the other provisions of this Act have not been adopted or are not in force therein.

Construction of new Roads and Bridges.

New roads and bridges may be constructed by the board, and assessed for upon proprietors.

58. The board, subject to the approval of the trustees, to be given at their annual general meeting, may from time to time, at a meeting to be called for the purpose by special advertisement, or by special circular sent through the post to every member of the board, stating the object of the meeting, resolve to construct any new road or bridge that they may think requisite, or may enter into an agreement with any person or corporation (including the trustees of any adjoining county or the local authority of any burgh) for the construction of any new road or bridge, and may require such person or corporation to provide the whole or any part of the expense of such new road or bridge as a condition of the construction of the same, and all new roads and bridges so constructed shall be highways; and the expense of such construction, so far as payable by the board, shall be raised by an assessment to be imposed and levied as the trustees may determine either on the county (except as herein-after otherwise provided), or on the district or districts within which such new road or bridge is situated, or partly situated, in the same manner and with the same powers, including the power of borrowing money, as is herein-after provided in the case of assessments for payment of debt in so far as the same are applicable thereto; and such assessment shall not extend over a longer period than fifty years, and shall be levied from and paid by the proprietors of lands and heritages within such county or district or districts; provided, that where any such new bridge is not situate wholly within one county or burgh, the agreement for the construction thereof shall provide for the proportions in which the expense of the future maintenance of such bridge shall be divided between the county or counties and burgh or burghs in which the same is partly situated respectively; and failing such agreement such expense shall be deemed to rest equally upon the counties or county and burgh or burghs within which such bridge is partly situated, as the case may be: Provided always, that no such resolution for the construction of any new road or bridge in any insular district shall be carried into effect without the consent of the district committee of such district, and that no assessment

shall be levied on any other part of the county for the expense of such construction, nor shall any assessment be levied on such district for the expense of construction of any new road or bridge in any other part of the county.

The burgh local authority shall have the same powers in regard to the construction of new streets or roads or bridges to be wholly or partly situate within the burgh, which the county road trustees have in regard to the construction of new roads or bridges wholly or partly situated within the county; but the assessments for paying or providing for the expense of such construction shall be levied in the same manner as the assessments for maintaining and repairing the streets within the burgh.

The provisions of this section shall apply to the rebuilding of bridges.

Valuation and Allocation of Debt.

Appointment of Debt Commissioners.

59. With respect to the valuation and allocation of road debts in counties in which such debts have not been previously valued and allocated, the following provisions shall have effect:

For the purpose of valuing and allocating road debts as hereinafter provided, where the parties fail to agree, the Secretary of State may, by any writing under his hand, appoint two or more persons skilled in law and accounts, who shall be called "Debt Commissioners." The appointment of a Debt Commissioner shall be published in the Edinburgh Gazette, and may be re-called by the Secretary of State at any time, by a writing under his hand, which shall be published in the same manner. A Debt Commissioner shall have power to call for production of all books, accounts, securities, vouchers, and other documents relating to such debts, and to examine witnesses on oath in regard thereto.

The Secretary of State may, if he shall think fit, in order to secure the speedy and uniform valuation and allocation of such debts, from time to time assign, by any writing under his hand, districts to the Debt Commissioners, and a Debt Commissioner shall be deemed to be appointed for and shall have power to act only within the district so assigned to him. Any such writing under the hand of the Secretary of State shall be published in the Edinburgh Gazette.

Clerks of trusts to make out list of debts.

60. The clerks of the turnpike and statute labour and bridge trusts in each county (including the burghs situated wholly or partly therein) shall, whether the roads, highways, and bridges subject to such trusts are wholly situated within such county or not, within two months after the date of the commencement of this Act, make out a list of the whole debts of each such trust, distinguishing as far as possible their order of preference, and also showing what proportions thereof consist of principal, and of arrears of interest, and also the amount of interest chargeable and paid upon such principal, if any, and the names of the creditors in such debts, so far as known to them; and such lists shall be deposited in the offices of such clerks for the inspection of all persons interested or claiming to be interested in such debts.

Intimation to creditors.

61. The clerks of the several trusts respectively shall, by special advertisement, and also by notice inserted once in the Edinburgh

Gazette, within eight days after the aforesaid lists have been deposited, give intimation that such lists have been so deposited, and require all persons claiming to be entitled to payment of any debt affecting the roads, highways, and bridges embraced in such trusts, or the tolls or revenues thereof, to lodge their claims and the vouchers thereof with them on or before a day to be specified in such notice, which day shall be at an interval of not less than six weeks and not more than two months from the first publication of such advertisement: Provided that no claim or voucher shall be required to be lodged in respect of any debt due to the Public Works Loan Commissioners or to their Secretary on their behalf.

Revised list of debts to be made up.

62. Within twenty-one days after the day specified in the said notice, the clerks of the aforesaid trusts respectively shall, from the lists made up by them, and the claims and vouchers which may be lodged with them, make up a full and complete revised list of all the debts affecting or alleged to affect the roads, highways, and bridges embraced in such trusts, and the tolls or revenues thereof, and the interest due thereon, and the names and designations of the creditors entitled or claiming to be entitled thereto, with such notes or observations on such claims and vouchers as they may think necessary.

Revised list to be open to inspection.

63. The list of debts revised as aforesaid shall, immediately on the expiry of the last-mentioned period, be docquetted and signed by the clerk of the trust, and thereafter be deposited in the office of the county road clerk; and where in any trust there is a road, highway, or bridge situated in more than one county, a copy of such list of debts, docquetted and signed as aforesaid, shall be deposited in the office of the county road clerk of each such county in which this Act has been adopted or is in force, and in the office of the clerk of supply of any such county in which this Act has not been adopted or is not in force; and intimation that the same has been so deposited shall be forthwith made by special advertisement, and the said list shall for one month after the first publication of such notice be open for inspection, free of charge, to all persons interested or claiming to be interested therein, and any person claiming to be a creditor of the trust may during that period require such clerk to insert his name in the said list.

Debts affecting counties and burghs may be compromised.

64. The board or boards of the several counties and local authority or authorities of the several burghs respectively within which the roads, highways, and bridges are situated or partly situated upon which or the tolls or revenues whereof respectively the debts of each trust were charges before the commencement of this Act in any county or burgh within which any such road, highway, or bridge is so situated, or partly situated, may adjust, compromise, and determine, in conjunction with the creditor or creditors, the value of any such debt due or claimed to be due by or from any such trust respectively: Provided that no such adjustment, compromise, or determination shall be effectual unless made or approved of at a special meeting of the board, or at an ordinary or special meeting of the burgh local authority, as the case may be.

Valuation of debts.

65. In the event of any such debt not being adjusted, compromised, and determined as herein-before provided, the trustees of any such county or counties, and the local authority or authorities of any

such burgh or burghs, as the case may be, may tender to the creditor therein a written statement of the value at which such debt is estimated by them; and such statement, if accepted by such creditor, or not objected to by him within the period of one calendar month from the date of such tender, shall be held to ascertain and determine the value thereof; and it shall be lawful to such creditor, if dissatisfied with such statement, within one calendar month from the date of such tender, or, when no such tender shall have been made, within six months after the commencement of this Act in any county or burgh within which any such road, highway, or bridge is so situated, or partly situated, at the expiration of such six months, to apply to any Debt Commissioner appointed in terms of this Act, to proceed to ascertain and value such debt; and any one having interest shall be entitled to appear and be heard, and the said Debt Commissioner shall ascertain whether any and what debt is due, with the interest thereon, and shall estimate and determine the value of the same, without regard to any personal or other collateral obligation undertaken by trustees or others, and in making such valuation shall take into account the interest paid on such debt out of the trust funds, the state of repair of the roads or bridges to which the debt is applicable, and shall take into consideration every circumstance which might in his opinion reduce, enhance, or in any way affect the value thereof; and the decision of the said Debt Commissioner, who shall also dispose of all questions of expenses, shall be final, save only that if the trustees of such county or counties, or such burgh local authority or authorities, as the case may be, or the creditor in the debt shall be dissatisfied with such decision in point of law, they or any of them may require the Debt Commissioner to state the facts of the case and such question of law, and his decision thereon in a special case; and the Debt Commissioner shall prepare and sign such case, and deliver the same to the person or persons requiring the same, who may within ten days of the date of such case lay a certified copy thereof before one of the divisions of the Court of Session for their decision thereon; and the said division shall, with all convenient speed, hear parties, and give their decision thereon, and shall dispose of all questions of expenses; and, in the event of reversal, the Debt Commissioner shall alter his decision in conformity with the decision of the said division, which shall be final and not subject to review.

Where any creditor shall be found liable in the whole or any part of the expenses of the valuation, as determined by the Debt Commissioner (including a reasonable fee to the Debt Commissioner), the same may be deducted from the sum or sums found due to him before payment thereof, or may be recovered in any other way.

Every determination of the value of a debt in terms of this or the preceding section shall set forth the date at which such debt is so valued, and where made by a Debt Commissioner shall be delivered by him to the creditor in the debt.

Allocation of debts on roads in two or more counties.

66. Where any trust existing at the commencement of this Act comprises any road, highway, or bridge partly situated in or made a burden on two or more counties in Scotland, whether all of such counties shall have adopted this Act or not, the trustees of such counties respectively may adjust, compromise, and determine in what

proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such counties respectively, and, if they shall fail to do so before the expiration of one month after the date of such valuation, any Debt Commissioner appointed in terms of this Act, on the application of the clerk of any of the said trustees, or of any of the creditors in such debts, shall forthwith proceed to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debts aforesaid ought to be, and shall be, allocated upon, and be a charge against, the several counties respectively, and the decision of such Debt Commissioner shall be final: Provided that the expenses of such allocation (including a reasonable fee to the said Debt Commissioner) shall be payable by the said trustees rateably according to the sums of debt allocated to their respective counties.

Allocation of debts between landward parts of counties and burghs.

67. Where any trust existing at the commencement of this Act comprises any road, highway, or bridge situated partly within or made a burden on any burgh or burghs, and any county or counties, or partly within or made a burden on any two burghs, the trustees of such county or counties, whether all of such counties shall have adopted this Act or not, and the local authority or authorities of such burgh or burghs respectively, may adjust, compromise, and determine in what proportions the debts valued as aforesaid affecting such trust shall be allocated and made chargeable upon such county or counties, and burgh or burghs, respectively; and, on their failing to do so before the expiration of one month after the date of such valuation, any Debt Commissioner appointed in terms of this Act, on the application of the clerk of the said trustees, or of the said local authorities, or any of them, or of any of the creditors in such debts, shall proceed forthwith to ascertain and determine the proportions in which, according to equity, and taking into consideration all the circumstances of the case, the debts aforesaid ought to be and shall be allocated upon and be a charge against such trustees and such local authority or authorities respectively, and the decision of such Debt Commissioner shall be final: Provided that the expenses of such allocation (including a reasonable fee to such Debt Commissioner) shall be payable by the said trustees or local authority or authorities, rateably according to the sums of debt allocated to their county or counties, burgh or burghs respectively.

Debts to be charged against counties and burghs, and to bear interest. Certificates of debt to be granted.

68. The debts of each trust when valued and allocated as herein-before provided shall be charges against the trustees of the several counties and local authorities of the several burghs respectively and the assessments to be imposed as herein-after provided for the payment thereof and interest thereon as after mentioned; and the trustees and burgh local authorities shall respectively deliver to each creditor a certificate or certificates in the form or as nearly as may be in the form of Schedule (A.) No. 1. hereunto annexed, signed by the chairman of such trustees or by the provost or chief magistrate of such burgh, as the case may be, and each certificate shall be entered in a register to be kept by the county road clerk or by the clerk of the burgh local authority respectively, and shall be conclusive evidence of the right of such creditor to the said debt, and to interest thereon at the rate of four per centum per annum from the date of the valuation of such debt. Such certificate may be transferred

by such creditor, or any other person having right thereto for the time being, by an indorsation in the form or as nearly as may be in the form of Schedule (A.) No. 2. hereto annexed, which transfer shall be entered in the said register; and the person in whose favour such transfer is made and registered shall acquire thereby the whole rights in regard to such debt and interest thereon of the creditor in whose favour such certificate was originally granted.

Extinction of debts not charged in terms of Act.

69. No debts except those valued and allocated as herein-before provided shall be a charge upon the trustees of any county or the local authority of any burgh, and all road debts, except as aforesaid, shall be extinguished, but without prejudice to any claim otherwise competent to the creditors therein against any individual or individuals who may have given any personal or collateral obligation in regard to such debts.

Certain road debts may be charged on entailed estates by bond and disposition in security. 1 & 2 W. 4. c. 43. s. 68.

70. Whereas by section sixty-eight of the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, it is enacted "that it shall and "may be lawful for any proprietor or heir of entail in possession "of any entailed estate, or the tutor or curator of such proprietor "or heir of entail who may be desirous of advancing or lending "any sum or sums of money for the purpose of making or maintaining any turnpike road or building any bridge on the same "to be made or built subsequent to the passing of this Act either "to bind himself personally as a trustee of such turnpike road, and "also to bind the succeeding heirs of entail for the repayment of "any such sum or sums of money to any person or persons who "may advance the same to the trustees of such turnpike road, or "to advance such sum or sums, and to render the same a burden "upon the said entailed estate and the succeeding heirs of entail, "or having advanced such sum or sums, to borrow the like sum or "sums, and to bind himself and the said estate and the heirs "of entail succeeding thereto for the same; and all bonds and "obligations for money so to be advanced or borrowed and applied "shall be held to bind such proprietors in cases where they have "personally bound themselves and also the heirs of entail in such "estates for the repayment of such money, and such bonds and "obligations shall be valid and effectual against the granter of "the same and also against the heirs of entail succeeding to them "in such entailed estates, and such sums shall be and continue "to be a real burden on such estates till repaid out of the tolls "and duties levied on such turnpike road: Provided also, that the "share or proportion of such sum or sums of money so to be "advanced or borrowed affecting such succeeding heirs of entail "shall not exceed one year's free rent of the entailed lands of "such proprietor situated in each parish respectively through "which any such turnpike road or any part thereof shall run, "or on which such bridge or any part thereof shall be built, and "that the heir of entail in possession of such entailed estate shall "be obliged to keep down the interest of such sum or sums of "money so advanced or borrowed: Provided also, that it shall "not be lawful to the creditor or creditors in right of any such "debt to adjudge or otherwise evict the entailed estate for payment "thereof, or any part thereof, but it shall and may be competent

" to such creditor or creditors to prosecute such remedy or reme-
" dies against the rents thereof as are given and allowed by the
" law of Scotland to heritable creditors :"

And whereas the obligations for such debts were incurred in reliance upon the continuance of a right to levy tolls, which right will be abolished after the commencement of this Act; and whereas it may happen that under the provisions of this Act the full amount of such debts for which such heirs of entail became liable may not be found included in the amount for which certificate of debt is herein-before directed to be granted to the creditor or creditors therein: Be it enacted, That the heirs of entail personally liable for payment of such debts, or for the portion thereof not included in such certificate, shall have all the like powers of charging the fee and rents of the entailed estate, or any portion thereof other than the mansion house, offices, and policies thereof, with the full amount of such debts not included in such certificate, and of granting with the authority of the court of session bonds and dispositions in security for the full amount of such debts as aforesaid, as by the Act passed in the thirty-first and thirty-second years of the reign of Her present Majesty, chapter eighty-four, section eleven, are conferred with reference to entailers' debts; and such bonds and dispositions in security may be granted in favour of any parties in the right of such debts at the date when such bonds and dispositions in security are executed.

31 & 32 Vict. c. 84. s. 11.

Provisions for Payment of Debt.

Payment of interest under the provisions of this Act.

71. Until all the debts for which certificates of debt have been granted as herein-before provided shall have been paid as herein-after provided, the trustees shall annually investigate and determine what sum of money is requisite to pay the interest of such debts remaining unpaid chargeable against the county for the current year, and shall impose and cause to be levied an assessment on all lands and heritages within the county at such a rate as shall be necessary to provide the aforesaid sum; and in like manner the local authority of a burgh shall impose and levy annually such an assessment as may be necessary to pay the interest of such debts remaining unpaid as are under the provisions of this Act charges against the burgh.

Trustees and burgh local authority to resolve to pay off debt.

72. The trustees of each county shall, at the first general meeting after such allocation, resolve that the debts affecting the highways within such county, if any, valued and allocated as herein-before provided, shall be paid and provided for, and shall give to the creditors therein notice of their intention to pay the same at the ensuing term of Whitsunday or Martinmas, as the case may be, occurring not less than three months after such notice; and the local authority of each burgh shall, at a special meeting held for the purpose, not later than one month after such allocation, resolve that the debts affecting the highways within such burgh, if any, valued and allocated as herein-before provided, shall be paid and provided for, and shall give to the creditors therein notice of their intention to pay the same at the ensuing term of Whitsunday or Martinmas, as the case may be, occurring not less than three months after such notice.

Payment and discharge of debts.

73. At the term of Whitsunday or Martinmas, mentioned in the notice to the creditor in any debt, the trustees or local authority, as the case may be, shall make payment to such creditor of the sum specified in the certificate of debt held by him, along with the interest thereon from the date of valuation until the date of payment, except in so far as already paid, and the creditor shall be bound to deliver up such certificate, with a discharge thereon as nearly as may be in the form of Schedule (A.) No. 3, hereunto annexed, and such discharge shall be entered in the register herein-before mentioned.

Assessment for payment of debt.

74. After such resolution to pay the debts has been adopted by the trustees of any county, such trustees shall impose and levy annually an assessment on the whole lands and heritages within the county as appearing on the valuation roll; and after such resolution has been adopted by the local authority of any burgh, the said local authority shall impose and levy annually an assessment upon the whole lands and heritages within the burgh appearing on the valuation roll; and such assessment shall be imposed and levied in the county or burgh respectively at such rates as shall be sufficient to provide a sum equal to not less than one fiftieth part of the total debt valued and allocated on such county or burgh respectively, and also the yearly interest on such debt, or the balance thereof from time to time remaining due, at a rate not exceeding five pounds per centum per annum.

All assessments for payment of debt, and for payment of interest on any debt, shall be paid by proprietors only.

Trustees and burgh local authority may borrow on security of assessments.

75. It shall be lawful for the trustees of any county, or the local authority of any burgh, respectively, to borrow on the security of the assessments for the payment of debts to be levied under this Act within their respective boundaries, all or any moneys required in such county or burgh for the purpose of paying off such debts, and such moneys may be borrowed at any rate of interest not exceeding five pounds per centum per annum; and such moneys may be borrowed under an assignation in security in the form contained in the Schedule (B.) No. 1. to this Act annexed or to the like effect, which shall be duly executed, if signed, in the case of moneys borrowed by the trustees, in the manner and by the person or persons herein-after appointed for the purpose, and in the case of money borrowed by the local authority of any burgh, by the provost or chief magistrate and clerk of the local authority of such burgh; and every such assignation in security shall be effectual for securing to the person advancing the sum of money in such deed expressed to be advanced, and to his heirs, executors, and assignees, the repayment thereof, with interest for the same, after such rate and at such time and in such manner as in such assignation in security provided; and the said assignations in security shall be numbered in the order of succession in which they are granted, and shall be entered by the county road clerk or clerk of the burgh local authority, as the case may be, in a book to be called the register of "road debt securities," to be kept by them for that purpose; and every such assignation in security shall be validly transferred by an indorsation on such assignation in security, by the person entitled thereto for the time being, of a transfer in the form or as

nearly as may be in the form of the Schedule (B.) No. 2. hereunto annexed; and the persons in right of such assignations in security shall be creditors upon the assessments thereby expressed to be assigned in security in an equal degree one with another, and shall not have any preference or priority other than is provided in such assignations in security under the powers of this Act.

Loans to be repaid out of assessments imposed under authority of Act.

76. The trustees of any county, and the local authority of any burgh, by whom any such assignations in security as aforesaid shall have been granted shall annually make payment to the creditors therein, out of the assessments coming into their hands for that purpose, of interest at a rate not exceeding five pounds per centum per annum on the sums contained in any such assignations in security, and also of such farther sums to account of the principal sums contained in such assignations in security as will extinguish the same within the currency of the assessments for extinction of debt to be levied under the powers of this Act; and the said trustees and local authority of any burgh shall, by agreement with the persons advancing any money as aforesaid, determine the order of priority in which the several sums advanced shall be respectively discharged; and the trustees of each county, and local authority of each burgh so borrowing any moneys, are hereby required to keep an exact and regular account of all receipts and payments in respect of principal moneys borrowed as aforesaid, and the interest thereof, in a book or books separate and apart from all other accounts.

Provision for protection of lenders on security of assessments.

77. No person lending any moneys as aforesaid, and taking an assignation in security for repayment thereof, executed in manner directed or allowed by this Act, and purporting to be made under the authority of this Act, shall be bound to require proof that the several provisions of this Act have been duly complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such assignation in security on the ground that such provisions have not been complied with.

Trustees and burgh local authority may pay off loans, and borrow money for that purpose.

78. Where any moneys shall have been borrowed under the powers of this Act, it shall be lawful for the trustees, or local authority by whom such moneys shall have been borrowed, to pay off the moneys so borrowed, and again to borrow the moneys necessary for that purpose, and also to repay the said last-mentioned moneys and the interest thereof, under the powers of this Act, but so nevertheless that all moneys borrowed shall be repaid within a period not exceeding fifty years from the time when the assessment for the extinction of debt was first imposed by them under the provisions of this Act.

Unclaimed instalments to be consigned.

79. In case any debt or interest due thereon shall remain in the hands of the trustees of any county, or local authority of any burgh, unclaimed by the persons entitled thereto for the period of three months after the term of Whitsunday or Martinmas at which the same respectively became payable, the trustees and local authority shall respectively be exonered and discharged in so far as respects such debt or interest by consignation thereof in the name of the several persons entitled thereto, so far as known to them, in any chartered or incorporated bank in Scotland.

Sums payable to persons under disability may be consigned.

80. Any sums payable under this Act to persons under disability may be consigned in bank in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, in the case of moneys payable to persons under disability.

8 & 9 Vict. c. 19.

Saving as to loan to Mull district of Argyllshire. 27 & 28 Vict. c. ccvi.

81. The provisions of this Act shall not apply to the principal money or interest of the debt due to the Public Works Loan Commissioners or their secretary on their behalf from the Mull district of roads trustees, nor to any debt due by the district road trustees of any of the several districts into which the county of Argyll is divided, for the purposes and under the powers and provisions of the Argyllshire Roads Act, 1864; but notwithstanding any of the provisions of this Act, the whole of such principal money and interest shall remain secured and payable and recoverable in terms of the securities given for the same.

General Provisions as to Assessments.

Terms at which assessments shall be payable.

82. All assessments imposed under the authority of this Act shall be deemed and taken to be for the year from the fifteenth day of May preceding the date of imposing the same, and shall, subject to the provisions herein-after contained, be imposed according to the valuation of the lands and heritages in the valuation roll in force for the year in which such assessment is imposed, and the same shall be made payable on or before a day to be fixed at the time of imposing the same, not earlier than the first day of November and not later than the first day of February then next ensuing.

Collection of assessments.

83. All assessments imposed by the trustees under the provisions of this Act may be levied and collected by the county road collector, or such other person or persons as the trustees may from time to time appoint; provided, that it shall be lawful for the trustees, if they shall see fit, to require the commissioners of supply of the county to collect the assessments upon lands and heritages imposed by the trustees under the provisions of this Act, and the commissioners of supply of the county shall cause all such assessments to be levied and collected, when required to do so by the trustees, who shall be liable for and pay the whole necessary expenses attending such collection.

Board to hear appeals.

84. All appeals by persons complaining that they have been improperly assessed in respect of any assessment imposed by the trustees under the provisions of this Act shall be heard and determined by the board, or in the case of any insular district by the district committee of such district; and the trustees when imposing any assessment shall fix a day, not being less than fourteen days preceding the day on which such assessment under this Act is made payable, on or before which appeals by any persons complaining that they have been improperly assessed shall be lodged with the county road clerk, or in the case of insular districts with the district clerk, as the case may be, and another day, not less than fourteen days thereafter, on which such appeals shall be heard: Provided that notice of both such days shall be given upon or along with the notice of assessment: Provided also, that it shall be lawful for the board to relieve from assessment any occupiers of lands and heritages under the annual value of four pounds, as appearing on the valuation roll, on the ground of poverty.

Power to recover assessments imposed by trustees.

85. The whole powers and rights of issuing summary warrants and proceedings, and all remedies and provisions enacted for recovery of the land and assessed taxes, or either of them, and other public taxes shall be applicable to the assessments by this Act authorised to be imposed and levied by the trustees of any county, and sheriffs, magistrates, justices of the peace, and other judges may, on the application of the clerk or collector, grant warrant for the recovery of such assessments, in the like form and under the like penalties as is provided in regard to such land and assessed taxes and other public taxes: Provided, nevertheless, that it shall be competent to the trustees to prosecute for and recover such assessments by action in the sheriff small debt court, or in any other court, as the case may be, and that in any summons, complaint, or action for the recovery of such assessments more than six defenders may be cited and called, any law or practice to the contrary notwithstanding; and all assessments imposed in virtue of this Act shall, in the case of bankruptcy or insolvency, be preferable to all debts of a private nature due by the parties assessed.

Assessments in burghs, how to be levied and recovered.

86. The local authority of any burgh shall, in the imposing, levying, and recovering of the assessments authorised by this Act, possess the whole powers, rights, and remedies in force for the time being within such burgh, with reference to the imposing, levying, and recovering of the police assessment, or if there be no police assessment, any other assessment or rate levied by the local authority within such burgh; and the assessments authorised by this Act shall be subject to like exemptions and restrictions as are applicable to the said police assessment or other assessment or rate, and may be collected either separately or along therewith. The whole amount of the assessments authorised by this Act may be levied on and recovered from the tenant or occupier, who, on payment and on production of a receipt therefor by the collector, shall be entitled to deduct one half of the amount, or in the case of assessments for payment of debt and interest thereon the whole amount thereof, from the rent payable to the proprietor; and all such assessments shall, in the case of bankruptcy or insolvency, be preferable to all debts of a private nature due by the persons assessed; provided that it shall be lawful for the local authority to relieve from assessment the occupiers of lands or heritages under the annual value of four pounds as appearing on the valuation roll, on the ground of poverty.

Burgh may apply certain funds to maintenance of roads in lieu of assessments.

87. When in any burgh there shall be funds available, and which may be lawfully applied, for the maintenance and repair of highways therein, under the control of the local authority of any burgh, or for the payment of debt affecting any such highways, such local authority may apply such funds for such purposes in aid of the assessment authorised to be imposed by this Act; or otherwise, if such funds shall be sufficient for such purposes, the whole or such part thereof as may be necessary may be so applied, in place of making an assessment under the provisions of this Act.

Special Provisions as to certain Bridges.

As to cost of maintaining

88. Whereas there are or may be bridges in Scotland which accommodate or may accommodate the traffic not only of the county

or counties or burgh or burghs, as the case may be, within which they are locally situated, but also of the adjoining county or of other counties and burgh or burghs, or one or more of them, and it is not reasonable that the whole burden of managing, maintaining, repairing, and if need be, rebuilding such bridges and of paying the debt affecting or which may affect the same, should be imposed upon the county or burgh within which they are so situated: Be it enacted, that in respect of such bridges the following provisions shall have effect: &c. certain bridges.

(1.) The trustees of counties and burgh authorities may agree that any such bridge accommodates other traffic than that of the county or burgh in which it is situate, and may agree as to the proportions in which the debt (if any), and the cost of maintenance and, if need be, of rebuilding such bridge shall be borne and defrayed by the county or counties and burgh or burghs to which it is common; and such agreement, when confirmed by a resolution of the trustees in general meeting and of the burgh authorities, shall have the same force and effect as an order by the Secretary of State, as provided herein-after:

(2.) It shall be lawful for the county road clerk or clerk of supply of any county, or for the town clerk or clerk of any burgh to apply to the Secretary of State to determine that any bridge locally situated within a county or burgh in respect of its accommodating other traffic than that of such county or burgh only, shall be deemed to belong in common to the county or counties, and burgh or burghs, to be named in his determination:

(3.) Upon such application being presented to the Secretary of State, he may, if he shall think fit, by any writing under his hand appoint any two persons as commissioners to institute a local inquiry as to the circumstances of the case, and after hearing all parties interested, to report thereon to the Secretary of State, and for the purposes of such inquiry the commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such documents as they may consider necessary, and to do all such matters and things as may seem expedient to them for the purposes of the inquiry:

(4.) If the commissioners are of opinion that the Secretary of State should determine that the burden of managing, maintaining, repairing and, if need be, rebuilding the bridge mentioned in the application and of paying the debt affecting or which may affect the same should not be borne wholly by the county or burgh within which the same is locally situated, they shall prepare and transmit along with their report the draft of the determination which they recommend that the Secretary of State should make, setting forth therein the proportions in which such burden should be borne by the county or counties, or part or parts, or district or districts of such county or counties, and by the burgh or burghs named in the determination:

(5.) The Secretary of State after such further inquiry, if any, as he shall deem necessary, may approve of the draft submitted with or without alterations, and any determination made by him under his hand and seal, shall have the same effect as if it were contained in this Act: Provided always, that such determination shall be laid before both Houses of Parliament, and if either House of Parliament, within forty days after the same has been so laid before it, resolve that such determination ought not to take effect, the same shall be of no effect (without prejudice to the making of any new determination), but otherwise shall come into operation at the expiration of the said forty days, or any later date mentioned in the determination:

(6.) The Secretary of State may make orders as to the costs incurred in relation to any inquiry under this section, including the reasonable remuneration of the said commissioners, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form.

Special Provisions for Highways in Counties of Lanark and Renfrew.

Special provisions for highways in counties of Lanark and Renfrew.

89. Whereas it is expedient to make special provision in this Act in regard to the highways within the counties of Lanark and Renfrew: Be it enacted as follows:

This Act shall commence to have effect within the counties of Lanark and Renfrew (including the burghs situated or partly situated therein) on the first day of June one thousand eight hundred and eighty-two, but subject to the provisions following; (that is to say,)

(1.) The debts affecting the turnpike and statute labour roads within the counties of Lanark and Renfrew, including the burghs therein situated, after having been valued as herein-before provided, shall be charged, and are hereby allocated upon the said counties and the burghs therein situated, in the proportion of their respective valuations at the commencement of this Act, as appearing from the valuation rolls then in force. The debts so allocated shall in all respects be deemed to be debts allocated in terms of this Act, and all the provisions of this Act with respect to debts which have been valued and allocated shall have effect with reference thereto:

(2.) The city of Glasgow, and the burghs of Rutherglen, Govan, Partick, Maryhill, Hillhead, Crosshill, Kinningpark, Pollockshields, and Govanhill shall jointly contribute the sum of twelve thousand five hundred pounds annually towards the cost of maintaining the roads, highways, and bridges within the counties of Lanark and Renfrew. The said sum shall be a charge upon and be paid by the said city

and the said burghs, in the proportion of their respective valuations at the commencement of this Act appearing as aforesaid, and shall be divisible between and be paid to the said counties, or any districts into which the same may be divided, in terms of this Act, in the manner and in the proportions which shall be determined by a commissioner appointed for the purpose by the Secretary of State, and shall be applied towards the maintenance of the roads, highways, and bridges within such counties or districts respectively, and in diminution, pro tanto, of the assessments for such maintenance leviable therein in terms of this Act. The amount falling to be paid by each such city and burgh to each such county or district respectively shall be payable at the expiration of one year from the date at which tolls shall cease to be exigible within such county or district, and at the expiration of each successive year thereafter; and if not paid when due, may be recovered with expenses in the Court of Session, at the instance of the county road clerk of the county. The Secretary of State may make orders as to the remuneration and travelling or other expenses of the said commissioner, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form:

Provided always, that if at any time after the expiration of five years from and after the commencement of this Act, within the counties of Lanark and Renfrew, it shall appear to the trustees of the said counties, or either of them, or to the burgh local authority of the city of Glasgow, or of any one of the said burghs, that, having regard to the cost of maintaining the roads, highways, and bridges within the said counties, or either of them, the payment of the said sum of twelve thousand five hundred pounds sterling should be altered, the trustees of the said counties, or either of them, or the said burgh local authority, may from time to time apply to the Secretary of State to make a Provisional Order altering the said payment, and the Secretary of State may issue a Provisional Order under his hand and seal of office, in relation to the matters mentioned in the application, either in accordance with the prayer thereof or with such modifications or alterations as may appear to him to be requisite, and the whole procedure prescribed by section nine of this Act with reference to the Provisional Orders thereby authorised, and the confirmation thereof, shall be and are hereby made applicable to the Provisional Orders authorised by this section; or the trustees of the said counties, or either of them, or the burgh local authority may, instead of applying to the Secretary of State to make a Provisional Order, apply to Parliament by Private Bill to effect the said

objects, provided that such Private Bill shall not contain any provisions except such as may be necessary to effect such alteration:

(3.) If it shall appear to the local authority of Glasgow, or of any of the burghs mentioned in this section, that any road, highway, or bridge within two miles of their respective boundaries is not, in whole or in part, maintained in a sufficient state of repair, having regard to the traffic passing over the same, it shall be lawful for the clerk of such local authority to apply, in a summary way, to the Lord Ordinary on the Bills in the Court of Session, and the Lord Ordinary, after inquiry, may make such order as to him shall seem proper to remedy the evil complained of, and may ordain the said order to be carried into effect by, and at the sight of, such persons as he may think fit, and at the expense of the county, or district, as the case may be, and such order, which may also dispose of the expenses of the application, shall be final and not subject to review. The sums expended in terms of this section shall be deemed to be sums expended in the execution of this Act:

(4.) From and after the date at which the annual contribution mentioned in this section shall commence to be payable, the sum of eight hundred and sixty pounds now payable by the lord provost, magistrates, and council of Glasgow as coming in place of the board of police of Glasgow to the statute labour road trustees of the barony parish of Glasgow, and the sum of sixty pounds now payable by them to the statute labour road trustees of the parish of Govan respectively, shall cease to be so payable:

(5.) The populous places of Govan, Partick, Maryhill, Hillhead, Crosshill, Kinningpark, Pollockshields, and Govanhill shall, irrespective of their population, be deemed to be burghs within the meaning and for the purposes of this Act.

Special Provisions as to Highways partly in England.

As to cost of maintaining, &c. highways partly in England.

90. Where any trust existing at the commencement of this Act comprises a road, highway, or bridge which is situated partly in Scotland and partly in England, the following provisions shall have effect; (that is to say,)

(1.) It shall be lawful for the county road clerk or clerk of supply of any county in Scotland in which such road, highway, or bridge is partly situated, or for any other person interested, to apply to the Secretary of State to determine the manner in which such road, highway, or bridge shall be managed, maintained, repaired, and (in the case of a bridge) if need be rebuilt, and also the manner in which the debts affecting such trust and the property and assets belonging thereto shall be valued and allocated upon or among, as the case may be, the county or counties and burgh or burghs in Scotland, and the road authority in England to be named in his determination:

(2.) Upon such application being presented to the Secretary of State, he may, if he shall think fit, by any writing under his hand appoint any two persons as commissioners to institute a local inquiry as to the circumstances of the case, and after hearing all parties interested, to report thereon to the Secretary of State, and for the purposes of such inquiry the commissioners shall have power, after such public notice as they may think sufficient, to examine witnesses on oath, and to call for such documents as they may consider necessary, and to do all such matters and things as may seem expedient to them for the purposes of the inquiry:

(3.) The commissioners shall prepare and transmit along with their report the draft of the determination which, having regard to the general provisions of this Act, they recommend that the Secretary of State should make in the premises:

(4.) The Secretary of State after such further inquiry, if any, as he shall deem necessary, may approve of the draft submitted with or without alterations, and any determination, which, if he shall think proper, may include a provision that the aforesaid trust shall be continued in the manner and for the period therein mentioned for the purpose of levying tolls on the portion of such road or highway in England, made by him under his hand and seal, shall have the same effect as if it were contained in this Act: Provided always, that such determination shall be laid before both Houses of Parliament, and if either House of Parliament, within forty days after the same has been so laid before it, resolve that such determination ought not to take effect, the same shall be of no effect (without prejudice to the making of any new determination), but otherwise shall come into operation at the expiration of the said forty days, or any later date mentioned in the determination:

(5.) The Secretary of State may make orders as to the costs incurred in relation to any inquiry under this section, including the reasonable remuneration of the said commissioners, and as to the parties by whom such costs shall be paid, and the funds or assessments against which they shall be charged; and any such order may be made a rule of Her Majesty's High Court of Justice, and may be enforced accordingly; and the Court of Session may interpone their authority to any order made by the Secretary of State as to such costs, and may grant decree conform thereto, upon which execution and diligence may proceed in common form.

Miscellaneous Special Provisions.

Certain existing districts to be deemed counties.

91. In every case where, at the passing of this Act, in any county tolls and statute labour have been abolished or are not exigible, and where such county has been divided under any local Act or Acts into two or more separate districts as respects the maintenance and management of roads, highways, and bridges, and the road

trustees qualified within each of such several districts have the management of the roads, highways, and bridges therein, together with the power of imposing, levying, and collecting the assessments requisite for making, repairing, and managing the same, each of such several districts in all time after the passing of this Act shall form and shall be regarded as a separate county for the purposes of this Act, and all the provisions of this Act relating to counties shall apply to each of such several districts, and the whole powers and obligations conferred by this Act on county road trustees shall be vested in and may be exercised by the road trustees acting within each of such districts in terms of this Act: Provided that where necessary for giving effect to the provisions contained in this section "convener of county" shall be held to mean and include district chairman and convener, and "clerk of supply" shall be held to mean and include district road clerk appointed and acting under the local Act.

County of Lanark to be deemed and taken to be three counties in the sense of this Act.

92. For all the purposes of this Act in connexion with which the county of Lanark is not specially named, the Lower Ward, Middle Ward, and Upper Ward of the county of Lanark shall each be deemed and taken to be a county in the sense of this Act, under the designations of the "County of the Lower Ward of Lanark," the "County of the Middle Ward of Lanark," and the "County of the Upper Ward of Lanark," respectively, and the convener of the county of Lanark shall for the purposes of this Act be the convener of each of such three counties, and it shall not be obligatory upon, but only permissive to, the trustees of such counties to divide them into districts for the purpose of managing the highways under their control, or for any other purposes under this Act. A certified copy of the list of commissioners of supply of the county of Lanark, made up as before mentioned, shall be delivered as above provided to the county road clerk of each of such three counties, and each commissioner of supply whose name appears upon such list shall be a county road trustee in such of these three counties in which he may have the qualification of a commissioner of supply, but subject to the provision that no factor whose name appears on such list shall be entitled to act or vote except in the absence of the proprietor.

As to certain bridges and ferries in Dumbartonshire.

93. Upon the expiration of six months after the commencement of this Act in the county of Dumbarton, the bridges and rights of ferry over the River Leven, at the ferries of Balloch and Bonhill respectively, and the pontages or duties leviable thereat, shall vest in the county road trustees of that county, and those bridges shall be maintained and managed by them, and the right of the proprietors of the said bridges and ferries to levy such pontages or duties shall thereafter cease; and the said county road trustees shall, at the said date of vesting, pay to such proprietors respectively the values of the said bridges, rights of ferry, pontages, and duties as at the date of the commencement of this Act in the said county, with interest at the rate of five per centum per annum from and after the said date of commencement until payment, under deduction of the net proceeds of such pontages or duties during the said period of six months, of which the said proprietors shall keep an account; and such values shall, failing agreement, be determined in the option of the said proprietors respectively by arbitration, or by jury trial,

conducted in either case in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, and that Act, so far as the same regulates procedure with respect to arbitrations or jury trials, is incorporated with this Act for the purposes of this section, and in construing the clauses of that Act so incorporated, with reference to this Act, the expression "the special Act" means this Act; the expression "the Promoters of the Undertaking" means the said county road trustees; the word "lands" means the said bridges, rights of ferry, pontages, and duties; and the word "compensation" means the values of such bridges, rights of ferry, pontages, and duties respectively as at the date of the commencement of this Act in the said county, but shall not include any allowances in respect of compulsory purchase or sale. The values so ascertained and determined shall be provided for by the said county road trustees as follows; that is to say,—One half thereof in the same manner as is by this Act provided with respect to road debts; and the other half by means of the pontages or duties levied at the said bridges as specified in the existing tables of charges, but subject to the modifications thereof allowed prior to the commencement of this Act in the said county, and those pontages and duties shall be levied by the said trustees until the moneys which they shall have borrowed in terms of the provision herein-after contained so far as required for the purpose of paying such last-mentioned half to the said proprietors with interest thereon, together with one half of the expense of maintaining the said bridges, and the whole expense of collecting the said pontages and duties shall have been paid and discharged out of such pontages or duties, whereupon the said bridges shall become highways, and be free of toll. The said county road trustees may borrow the whole or any part of the money required for paying the said values and interest to the said proprietors on the security of the said pontages or duties, and of the assessments by this Act authorised, or any of them.

8 & 9 Vict. c. 19.

Transfer of undertaking of city of Edinburgh Road Trust to Corporation of the city. Property vested. Deeds, &c. to be valid. Officers. 25 & 26 Vict. c. liii.

94. From and after the second Monday of December one thousand eight hundred and seventy-eight, the sections of the Edinburgh Roads and Streets Act, 1862, from four to twenty-two, both inclusive, and from seventy-nine to eighty-six, both inclusive, shall be and the same are hereby repealed, and the body of trustees thereby constituted under the name and description of the city of Edinburgh Road Trust shall thereon cease to exist; and from and after the said date the whole powers and authorities of every kind vested in the trustees under the said Act, or conferred on them by or under authority of any other Act of Parliament, shall be and the same are hereby transferred to and vested in the Town Council of the city of Edinburgh, who shall thenceforward, as part of the ordinary business of the town council, and according to the rules by which the conduct of such business is regulated, including the mode of estimating expenditure, and of keeping, making up, auditing, certifying, and publishing of accounts, exercise the whole powers and authorities of the said road trust, and perform the whole duties and obligations, and fulfil all contracts incumbent on the said trust; and in construing the said Act, and any other Act in which the said road trustees are named, the expression "the trustees," or any other expression referring to the said road trustees, shall be read as if the

"Town Council of Edinburgh" had been inserted instead thereof. And the whole lands, houses, assessments, duties, claims, demands, rights, properties, and effects of every kind, heritable or moveable, belonging to or vested in or leviable or exigible by the said road trust, or any person on their behalf, under and in virtue of the said Roads and Streets Act (but subject to any liabilities to which the same are legally liable), shall from and after the aforesaid date become vested in and belong to and be leviable and exigible by the Town Council of Edinburgh for the purposes of the said Act, as fully and effectually to all intents and purposes as if the same had been formally and particularly conveyed to and vested in them, with full power, right, and authority to the Town Council of Edinburgh to levy, adjudge, sue for, and recover the same. And all bonds, obligations, assignments, leases, grants, conveyances, or other deeds or securities legally made or granted to or by the said road trust or any person under authority of the said Act shall be good, valid, and effectual to all intents and purposes; and all debts contracted, and all lawful contracts entered into by the said road trust or any person on their behalf by virtue of the said Roads and Streets Act, or any other Act, shall remain valid and binding upon the town council of Edinburgh under authority of this Act. And it shall be lawful for the Town Council of Edinburgh to continue any of the officers employed by the said road trust or to make such provision for their retirement or otherwise out of the rates under the said Edinburgh Roads and Streets Act, 1862, or this Act, as may be by them considered just and expedient: Provided always, that, notwithstanding the adoption of this Act or its becoming operative within the county of Edinburgh, the provisions of the said Edinburgh Roads and Streets Act, 1862, not hereby specially repealed, shall, in addition to the provisions of this Act, and in so far as not inconsistent with this Act, apply and continue to be applicable to the burgh of Edinburgh as if the said burgh were the district defined in the said Edinburgh Roads and Streets Act, 1862.

25 & 26 Vict. c. liii.

25 & 26 Vict. c. liii.

25 & 26 Vict. c. liii.

As to a bridge in Elginshire. 26 & 27 Vict. c. ccxiv.

95. The county road trustees of the county of Elgin may, at any annual general meeting called in terms of the Elgin and Nairn Roads and Bridges Act, 1863, resolve forthwith to pay off the balance remaining due of the sum of money borrowed for the purposes of the bridge over the River Findhorn, near Dalvey, and if they shall so resolve, they shall add the sum required to pay off such balance to the amount required to be raised in the ensuing year for the maintenance, repair, and management of roads, highways, and bridges within the said county, and shall assess therefor accordingly; and as soon as the said balance has been paid, it shall be deemed that the whole sums of money borrowed for the purposes of the said bridge, and the interest thereon, have been fully paid and extinguished within the meaning of the thirty-seventh section of the Elgin and Nairn Roads and Bridges Act, 1863.

26 & 27 Vict. c. ccxiv.

Provision as to adoption of Act in the county of Haddington.

96. In the event of this Act being adopted in the county of Haddington, or otherwise coming to have effect therein, the same shall be subject to the following provisions:

(1.) On the application of the local authority of any burgh within the said county, the road trustees of the said county and such local authority may, at the time this

Act is adopted or comes to have effect therein as aforesaid, or at any time thereafter, fix and determine that the area of such burgh for the purposes of this Act shall not be the area thereof for police purposes, but shall be such lesser area as they may fix and determine; and in case of difference between the trustees and such local authority, the sheriff of the said county, on application made to him by either of the parties, and after giving such notices as to him may appear proper, shall adjudicate on the matter, having regard to the area of such burgh as fixed and defined by the Haddingtonshire Roads Act, 1863, and to all the circumstances of the case, and the decision of the sheriff shall be final: 26 & 27 Vict. c. ccxv.

(2.) At any time, but not earlier than ten years after the date when the area of any burgh for the purposes of this Act has been fixed and determined as aforesaid, the trustees and the local authority of any such burgh may revise the boundaries of such area, and may agree that the area for police purposes of such burgh, or such other lesser area as they may fix and determine, shall be the area of such burgh for the purposes of this Act, and in case of difference the sheriff, on the application of either party, shall adjudicate on the matter in manner before provided, and his decision shall be final:

(3.) Until the area of any burgh within the said county for the purposes of this Act is fixed and determined under the provisions of this section, the boundaries of such burgh for the purposes of this Act shall be those for police purposes.

Ayr Bridge Act, 1877, reserved.

97. Notwithstanding anything in this Act contained, the Ayr Bridge Act, 1877, and the powers of taking tolls thereby conferred, shall continue in force until the first day of November one thousand eight hundred and ninety-seven, or until such earlier time as the bridge by that Act authorised to be constructed shall, in manner therein directed, be declared free from toll, and no longer; and from and after the time at which this Act is adopted, or commences to have effect, in the county of Ayr, the persons who then are the Trustees for carrying the Ayr Bridge Act, 1877, into execution shall continue to act as such Trustees so long as the last-mentioned Act shall continue in force, and, after that Act shall cease to be in force, the said bridge shall, subject to the provisions of this Act, be vested in and maintained and managed by the local authority of the burgh of Ayr. 40 & 41 Vict. c. lxvi. 40 & 41 Vict. c. lxvi.

Provisions for debts contracted under the Forfarshire Roads Act, 1874. 37 & 38 Vict. c. cxlvii.

98. The sums of money borrowed under the Forfarshire Roads Act, 1874, before the commencement of this Act, in the county of Forfar, shall not be included in the list of debts made up under the provisions of this Act, but every sum so borrowed shall (so far as unpaid) be held to be a debt of the particular district or burgh by which the money was borrowed, and shall be a first charge on the assessment levied under this Act, or any other Act or Provisional Order confirmed by Parliament, for the maintenance and repair of the roads, highways, or bridges, within such district or burgh, and the creditors in such debts shall have over such assessment the

same rights which creditors under this Act have over the assessment for the payment of debt, and the bonds, mortgages, or other securities in evidence of such debts shall be held to be of the same nature and be dealt with in the same way as the bonds, mortgages, or other securities, as the case may be, granted under this Act; and considering that by the Forfarshire Roads Act, 1874, Kirriemuir is, for the management, maintenance, and repair of the roads within it, separated from the county of Forfar, Kirriemuir shall for all the purposes of this Act be held to be a burgh.

37 & 38 Vict. c. cxlvii.

Saving of Acts transferring roads to the local authority of the burgh of Dundee.

99. Nothing in this Act contained shall prejudice or affect any Act by or under which the turnpike roads and statute labour roads within the burgh of Dundee have been transferred to the local authority of such burgh.

Saving annuity by North British Railway Company to burgh of Burntisland.

100. Nothing in this Act contained shall affect or prejudice the right of the magistrates and town council of the burgh of Burntisland to the annuity of two hundred pounds secured to them by the North British Railway Company under an agreement between the said magistrates and town council and railway company, dated the sixteenth and eighteenth days of September one thousand eight hundred and seventy-two, and confirmed by the North British Railway Act, 1873.

36 & 37 Vict. c. ccix.

Saving as to Leith harbour.

101. Nothing in this Act contained shall be construed to relieve the Commissioners for the Harbour and Docks of Leith of any statutory obligation incumbent on them in regard to the making, maintenance, or repair of roads, streets, quays, or bridges within the burgh of Leith, and the exemption to which such commissioners are entitled under the Acts of the eleventh and twelfth Victoria, chapter one hundred and twenty-three, and of the twenty-sixth and twenty-seventh Victoria, chapter sixty, shall remain in force and shall extend and apply to all assessments under this Act.

11 & 12 Vict. c. cxxiii. 26 & 27 Vict. c. 60.

Continuing in force provisions of local Acts with respect to buildings, &c. on sides of roads.

102. Notwithstanding the herein-before contained enactments that the local Acts now in force relating to turnpike roads and statute labour roads shall cease to be in force at the respective times herein-before provided, all the provisions of such Acts which provide that houses, walls, or other buildings shall not be erected, or that new enclosures or plantations shall not be made within certain distances therein specified from the centre of such respective roads which are greater than the distance prescribed by section ninety-one of the Act first and second King William the Fourth, chapter forty-three, applied by this Act to those roads, are hereby continued in force; and the trustees, boards, district committees, and burgh local authorities having the management of such respective roads, and their officers, may enforce such provisions in the same manner as the trustees having the management of such respective roads under such local Acts and their officers might now enforce the same.

1 & 2 W. 4. c. 43.

Powers to trustees to increase assessments.

103. In counties having local Acts under which tolls and statute labour have been abolished or are not exigible, and the assessments for the maintenance and repair of the roads and bridges therein are payable one-half by the proprietor and the other half by the tenant or occupier of the lands and heritages on which the same are imposed, but the rates at which such assessments may be imposed are limited to a maximum, it shall be lawful for the

trustees of such counties, notwithstanding anything in such local Acts contained, to increase the rates beyond those specified in such local Acts, if it shall be found necessary or expedient so to do, for the purpose of effectually carrying out the provisions of the said local Acts.

Byelaws.

Byelaws.

104. The trustees may from time to time make, with respect to all or any highways within their jurisdiction, and, when made, may alter or repeal byelaws for all or any of the purposes following; (that is to say,)

(1.) For the general regulation of traffic on highways; and

(2.) For prohibiting the use of any waggon, cart, or carriage, drawn by animal power, and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon, cart, or carriage, as may be specified in such byelaws; and

(3.) For prohibiting the use of any waggon, cart, or other carriage, drawn by animal power, not having the nails on its wheels countersunk in such manner as may be specified in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and

(4.) For prohibiting the locking of the wheel of any waggon, cart, or carriage, drawn by animal power, when descending a hill, unless it is locked in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and

(5.) For prohibiting the erection of gates across highways except under regulations specified in such byelaws.

Penalties to be recovered summarily may be imposed by any such byelaws on persons breaking any byelaw made under this section: Provided, that no such penalty exceeds for any one offence the sum of two pounds, and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the penalty.

No byelaw shall be binding until it has been approved of by the sheriff, after it has been published in some newspaper circulating in the county at least ten days before the sitting of the sheriff for its consideration.

Miscellaneous.

Authentication of documents relating to the execution of Act.

105. For the purposes of this Act, the signature of the chairman of the trustees or of the chairman of the board, or of the preses of any meeting of the trustees or of the board, or of the chairman or preses of any district committee to be appointed in terms of this Act, adhibited to any writing or document except as herein-after provided, shall be equivalent to the signatures of the whole trustees or members of the board, or of the whole members of such district committee present at a meeting thereof respectively; and the addition to such signature of the word "chairman" or "preses" shall be good primâ facie evidence that such signature is the

signature of such chairman or preses, as the case may be, and that such writing or document is genuine and authentic.

Minutes of trustees, &c. to be receivable in evidence.

106. Any minute made of proceedings at meetings of the trustees, board, or district committee, if signed either at the meeting of the trustees, board, or district committee at which such proceedings took place, or at the next ensuing meeting of the trustees, board, or district committee by any person purporting for the time being to be the chairman or preses of such meeting, shall be receivable in evidence of such proceedings in all legal proceedings without further proof; and until the contrary is proved every meeting of the trustees, board, or district committee, where minutes have been so made of the proceedings shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified.

Actions now pending transferred to trustees under Act.

107. No action, prosecution, or other proceeding by or against the trustees or other persons acting before the commencement of this Act, under the authority of any general or local Act, in relation to the roads, highways, and bridges vested in the county road trustees or burgh local authority, as the case may be, under this Act, shall cease or be discontinued or be prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the said county road trustees or burgh local authority, as the case may be, under this Act, in the same manner in all respects as the same would have continued and taken effect in relation to the trustees or other persons under any of the said general or local Acts, if this Act had not been passed: Provided, that if any question shall arise as to whether any action, prosecution, or other proceeding should be carried on at the instance of or against the county road trustees or the burgh local authority, the same may be disposed of incidentally, and without any action of transference or other separate proceeding by the court or judge before whom such action, prosecution, or proceeding depends.

Former trustees to account for moneys and deliver up books.

108. All persons acting or who have acted under any of the general or local Acts in force at the commencement of this Act as trustees of any of the turnpike roads, statute labour roads, highways, or bridges within the county, or as clerks or officers of such trustees, who shall, at the commencement of this Act, have in their custody, power, or possession any moneys collected by virtue of such Acts, or any books, deeds, papers, writings, property, or effects belonging to the said turnpike or statute labour trusts respectively, or relating to the execution of such Acts, shall pay and deliver up the same to the county road trustees, or to such person as they shall appoint to receive the same, who shall hold them, and be liable to pay them over or make them forthcoming, subject to the provisions of this Act.

Books of former trustees to be evidence.

109. All books containing the accounts and proceedings of the trustees or other persons who have acted under any of such Acts shall and may be given in evidence in all claims, prosecutions, appeals, actions and proceedings whatsoever under this Act, in the same manner as they might have been used under the said Acts.

Trustees not to incur personal liability.

110. A trustee or member of a board, or district committee, by being party to or executing in his capacity as aforesaid any contract or other instrument, or otherwise executing any of the powers under this Act, shall not be subject individually to any action, prosecution,

or other legal proceeding; and the trustees may apply any moneys from time to time coming into their hands for the purpose of paying any expenses of legal proceedings, or any damages they may incur in the bonâ fide execution of the powers granted by this Act to them.

Trustees not to hold any office of profit or participate in profits of any contract.

111. If and while any trustee—

(1.) Holds any office or place of profit under this Act; or

(2.) Participates in the profits of any work done; or

(3.) Is concerned in or participates in the profit of any contract entered into under this Act;

Such person shall be disqualified from acting as a trustee, subject to the exceptions following; that is to say,

(*a.*) A trustee shall not be disqualified by reason of his being a shareholder in any joint stock or incorporated company entering into any contract with or supplying any article by order of the trustees or any board or any district committee; and

(*b.*) A trustee shall not be disqualified by reason of his being interested in any sale, feu, or lease of any lands, or any sale of materials for making or repairing roads, or any loan of money to the trustees.

Nevertheless a trustee or member of a board or district committee shall not be entitled to vote in respect of any contract with or any supply of articles by order of the trustees, board, or district committee, where such contract is entered into with or such articles are supplied by any company in which he is a shareholder, or in respect of any question connected therewith, or in respect of any such sale, feu, lease, or loan as herein-before mentioned; and if he does so vote his vote shall not be counted, and he shall incur for each time when he so voted a penalty not exceeding twenty pounds.

No person holding office to participate in profits of any contract.

112. No person holding any office under this Act shall directly or indirectly participate in the profits of any work done by order of, or be concerned in or participate in the profit of any contract entered into with, or any supply of articles made to the trustees, board, or any district committee, under the penalty of one hundred pounds; and it shall be in the option of the trustees, board, or district committee, and competent to them, to render any contract null and void, in the profit of which any such person has participated or may participate.

Trustee may act as sheriff or justice.

113. No trustee shall be disqualified from acting as a sheriff or justice of the peace in the execution of this Act, by reason of his being such trustee.

Moneys to be lodged in bank.

114. All moneys received by or on behalf of the trustees or the board under the authority of this Act shall, on the receipt thereof, be paid by the person receiving the same into an account to be kept in name of the trustees or of the board with some incorporated or joint stock bank or branch thereof, to be for that purpose appointed by the board.

Cheques on bank account of trustees or board.

115. All cheques on the bank accounts kept by the trustees or board shall be signed by one of three members of the board appointed by it for the purpose, and by the treasurer; and no cheques shall be drawn on such accounts for any other purpose than

the payments which shall from time to time be authorised by the trustees or the board.

Cheques on bank account of district committee.

116. All sums passed by the trustees or the board to the account of any district committee, or collected on behalf of a district committee, shall be respectively paid into an account to be kept in name of the district committee with an incorporated or joint stock bank or branch thereof to be appointed by the board, and all cheques on such account shall be signed by one of three members of the district committee appointed by it for the purpose, and the treasurer of the district committee.

Execution of bonds and other securities.

117. All bonds, mortgages, debentures, or other securities for money borrowed by the trustees, and all dispositions and conveyances of property belonging to the trustees, shall be signed by two of the trustees being members of the board and by the clerk except where otherwise expressly provided; and the clerk shall keep a register of all bonds, mortgages, debentures, or other securities granted by the trustees under this Act, and of the transfers thereof.

Mortgages to be personal estate.

118. All certificates, bonds, mortgages, debentures, or other securities granted under the authority of this Act, and all money advanced and lent on the security of any assessment leviable under this Act, shall be moveable or personal estate, and transmissible as such.

Application of moneys not otherwise appropriated.

119. All moneys received by the trustees on account of assessments or penalties, or otherwise, for the application of which no special provision is made in this Act, shall be applied as follows:

(1.) In payment of the salaries and allowances of officers and servants, and the general expenses of management of the trust:

(2.) In payment of the expense of maintaining and repairing the several highways:

(3.) In payment of interest on the debts affecting the highways, valued and allocated as herein-before provided, and thereafter towards payment of the principal of such debts.

Audit of accounts.

120. The accounts of the trustees shall be balanced annually on the fifteenth day of May, and shall be audited by an auditor appointed by the sheriff by any writing under his hand. The accounts as audited shall be laid before the next annual general meeting of the trustees.

Annual reports.

121. The trustees of counties and local authorities of burghs shall once a year, at such time and in such form as the Secretary of State may direct, make a report as to their income and expenditure and such other matters as the Secretary of State may direct, and such report shall be laid before both Houses of Parliament.

Repeal of Acts.
8 & 9 Vict. c. 41.
1 & 2 W. 4. c. 43.

122. From and after the commencement of this Act in any county, the Act passed in the eighth and ninth years of the reign of Her present Majesty, chapter forty-one, and the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, except the sections thereof incorporated herewith as after mentioned, shall cease to have effect therein; provided that nothing herein contained shall affect anything duly done or suffered, or any right or liability acquired, accrued, or incurred, or any penalty, forfeiture, or punishment incurred in

respect of any offence committed against any enactment contained in either of the last-mentioned Acts, or in any other Act which, from and after the commencement of this Act in any county, shall cease to have effect therein: Provided also, that until the fifteenth day of May or twenty-sixth day of May, as the case may be, following the commencement of this Act in any county where such commencement shall happen before the year one thousand eight hundred and eighty-three, and otherwise until the first day of June one thousand eight hundred and eighty-three, all provisions for levying, collecting, and recovering toll duties, statute labour conversion money, bridge money, and other moneys of whatever kind, for managing, maintaining, and repairing roads, bridges, and highways situated or partly situated in such county or in any burgh therein, and also all provisions against persons evading or attempting to evade payment of such toll duties and other moneys, shall continue in full force and effect, and may be put in operation by the trustees or burgh local authority under this Act, as the case may be, in the same manner as they might have been put in operation by the trustees under the other Acts mentioned in this section.

Incorporation of parts of General Turnpike Act. 1 & 2 W. 4. c. 43.

123. The following sections of the Act passed in the first and second years of the reign of His Majesty King William the Fourth, chapter forty-three, viz., sections eighty, eighty-one, eighty-three, eighty-four, eighty-five, sections eighty-seven to ninety-two, both inclusive, section ninety-four, and sections ninety-six to one hundred and eight, both inclusive (the enactments whereof are contained in Schedule C. to this Act annexed), in so far as the same are not inconsistent herewith, shall be and are hereby incorporated with this Act, and, from and after the commencement of this Act in any county, shall extend and apply to all the highways made or to be made within such county, and, except in so far as inconsistent with the provisions of any general or local police Act in force therein, within the burgh or burghs situated or partly situated within the same; and in the construction of the aforesaid sections of the said Act with reference to this Act, the expression "trustees under any Turnpike Act," or words having the like import, and the expression "turnpike roads" shall mean and apply to the trustees of counties and local authorities of burghs under this Act, and the roads, highways, and bridges placed under their management by this Act, as the case may require, in so far as such application shall not be excluded by the context or any of the provisions of this Act; and where notice is required to be given "on the two nearest toll bars," it shall be sufficient if it is given once in two newspapers circulating in the county or burgh, as the case may be: Provided, that it shall not be lawful for the trustees, or local authority, as the case may be, or any one authorised by them, under the powers conferred by the eightieth section of the recited Act, to carry away any materials to be used by them for any purpose whatsoever from any place beyond the county or burgh, as the case may be, or to a greater distance than three miles from the place where such materials have been obtained, unless satisfaction shall be made for the same in the manner provided in said section in the case of stones to be used for building.

Recovery and application of penalties.

124. All penalties under this Act or the enactments incorporated herewith or continued in force hereby may be recovered, together

with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the trustees, or of the clerk of the burgh local authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same.

27 & 28 Vict. c. 53.

38 & 39 Vict. c. 62.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards: Provided, that this shall not apply to any proceedings for the recovery of assessments levied under this Act.

It shall be lawful for any person acting in the execution of this Act, and such other person as any such person shall call to his assistance, or for any person seeing any offence committed against this Act, without any warrant or authority other than this Act, brevi manu, to seize and detain any person whose name and place of abode are unknown, and who shall commit any such offence, and take such person without delay before the sheriff or any neighbouring justice of the peace for the county or magistrate of the burgh, as the case may be, where the offence shall have been committed or where such offender shall be seized and apprehended, who shall forthwith examine and discharge or commit such person till caution de judicio sisti be found, as the case may seem to require.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the trustees or of the burgh local authority, as the sheriff or justice of the peace or magistrate shall direct.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable summarily under this Act shall, failing payment thereof, and expenses, immediately or within a specified time, as the case may be, be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant may be in the form No. 3 of Schedule K. of the Summary Procedure Act, 1864.

27 & 28 Vict. c. 53.

SCHEDULES.

Section 68.

SCHEDULE (A.) No. 1.

I [*A.B., chairman of the county road trustees of the county of* , *or provost or chief magistrate of the burgh of* , as the case may be], in terms of the Roads and Bridges (Scotland) Act, 1878, certify that [*name and designation of creditor*] is a creditor in turnpike road debt [*or* statute labour debt, *or, as the case may be*] in respect of moneys lent to or for behoof of [*specify the particular trust in the case of turnpike debt, and the district or parish in the case of statute labour debt*], valued at the sum of , as at the day of , 18 ,

and which [*or* whereof the sum of , *as the case may be*] has been allocated on the county of [*or* burgh of , *as the case may be*], all in terms of the provisions of the said Act.

Witness my hand, this day of 18 .

(Signed) *A.B.*

SCHEDULE (A.) No. 2.

Section 68.

I [*name and designation of cedent*] transfer to [*name and designation of assignee*], his heirs, executors, and assignees my whole right and interest under this certificate.

[*To be signed and dated by the cedent.*]

SCHEDULE (A.) No. 3.

Section 73.

I [*name and designation of creditor*] hereby discharge the debt specified in this certificate with all interest thereon.

[*To be signed and dated by the creditor.*]

SCHEDULE (B.) No. 1.

Section 75.

BY virtue of the Roads and Bridges (Scotland) Act, 1878, we, two of the county road trustees of the county of , and the clerk of the said trustees, acting under the said Act, as representing the said trustees [*or* the provost, *or* chief magistrate, *as the case may be*, and clerk of the local authority of the burgh of , acting under the said Act, as representing the local authority of the said burgh,] grant us to have borrowed and received from [*name and designation of lender*] the sum of pounds for the payment of valued road debt allocated on the county of [*or* burgh of *as the case may be*] under the provisions of the said Act. In consideration whereof we assign to the said [*name of lender*], his heirs, executors, and assignees, all the assessments to be raised and paid within the said county [*or* within the said burgh, *as the case may be*] for the payment and extinction of debt under the provisions of the said Act, in security of the repayment of the said sum of pounds, and of the interest thereof after the rate of pounds per centum per annum from the day of until payment, which sum is to be repayable, with the interest at the rate aforesaid, as follows; [*state the terms of repayment according to the arrangement*]. In witness whereof [*insert testing clause in common form*].

SCHEDULE (B.) No. 2.

Section 75.

I [*name and designation*], in consideration of the sum of pounds, transfer to [*name and designation*], and his heirs, executors, and assignees, an assignation in security, numbered [*insert the number of the assignation*], and dated [*insert date*], granted by the trustees of the county of acting under the Roads and Bridges (Scotland) Act, 1878, [*or* by the local authority of the burgh of , *as the case may be*], for [*insert the stipulated annual payment and duration thereof*], from the day of .

In witness whereof [*insert testing clause in common form*].

SCHEDULE (C.)

Section 123.

SECTIONS OF 1 & 2 WILL. 4. c. 43. REFERRED TO IN THE FOREGOING ACT.

LXXX. And be it enacted, that it shall be lawful for the trustees of any turnpike road, or any person authorised by them, to search for, dig, and carry away materials for making or repairing such road and the foot-paths thereof, or building, making, or repairing any toll-house, bridge, or

Power to get materials.

any other work connected with such road, from any common land, open uncultivated land, or waste, or to deposit mud or rubbish thereon, without paying any surface damages, or any thing for such materials, except for stone to be used for building, and to carry the same through the ground of any person, such trustees or other persons authorised by them filling up the pits or quarries, levelling the ground wherefrom such materials shall be taken, or fencing off such pits or quarries so that the same shall not be dangerous to any person or cattle, and paying for or tendering the damage done by going through and over any inclosed or arable lands for or with such materials, mud, or rubbish, such damages to be ascertained as hereinafter mentioned; and also that it shall be lawful for such trustees and other persons authorised by them as aforesaid to search for, dig, and carry away any such materials in or out of the inclosed land of any person where the same may be found, and to land or carry the same through or over the ground of any person (such materials not being required for the private use of the owner or occupier of such land, and such land or ground not being an orchard, garden, lawn, policy, nursery for trees, planted walk, or avenue to any house, nor inclosed ground planted as an ornament or shelter to a house, unless where materials have been previously in use to be taken by the said trustees), making or tendering such satisfaction for stones to be used for building, and for the surface damage done to the lands from whence such materials shall be dug and carried away, or over or on which the same shall be carried or landed, as such trustees shall judge reasonable; and in case such trustees and the proprietor or occupier of such lands shall differ as to the amount of such payments and damages as aforesaid, it shall be competent to the sheriff or justices of the peace for the shire wherein the place from whence such materials shall have been taken, or on which the same shall have been landed or carried, shall be situate, on the application of either party, with an inducię of six days, to hear and determine all questions as to the amount of such payments and damages, and the expenses attending the same: Provided always, that before taking such materials from any inclosed land from which the same shall not previously have been in use to be taken, fourteen days previous notice in writing, signed by two trustees, shall be given to or left at the usual residence of the proprietor and occupier of the land or quarry from which it is intended to take the same, or his or her known agent, to appear before the sheriff or any two justices of the peace acting for the shire where the said lands are situate, to show cause why such materials shall not be so taken; and in case such proprietor, occupier, or agent shall attend pursuant to such notice, or shall neglect or refuse to appear (proof on oath in such case being duly made of the service of such notice), such sheriff or justices shall authorise or prohibit the trustees to take such materials, or make such order as they shall think fit.

Satisfaction.

Notice to be given before materials are taken from inclosed lands.

Penalty on taking away materials provided for repairing turnpike roads.

LXXXI. And be it enacted, that it shall not be lawful for any person to take away any materials which shall have been procured or provided or used for the repair or use of any turnpike road, or to take any materials out of any quarry which shall have been opened by any turnpike trustees for the purpose of getting materials for any turnpike road, so as to interrupt or interfere with the workings carried on by such trustees; and every person so offending shall for every such offence forfeit and pay any sum not exceeding five pounds.

Power to use adjoining ground as a temporary road.

LXXXIII. And be it enacted, that it shall be lawful for the trustees of any turnpike road to make a road through the grounds adjoining to any ruinous or narrow part of any turnpike road (not being an orchard, garden, lawn, policy, planted walk, or avenue to any house, or nursery for trees) to be made use of as a public highway whilst the old road is repairing or widening, making recompense to the proprietor and occupier of such grounds for the damages they may thereby sustain; and in case such trustees and such proprietor or occupier shall differ as to the amount of

such damages, it shall be competent to the sheriff or justices of the peace for the shire where such damages or any part thereof shall have been incurred, on the application of either party, with an induciæ of six days, to hear and determine all questions as to the amount of such damages, and the expenses attending the same.

Trustees to make side drains.

LXXXIV. And be it enacted, that it shall be lawful for the trustees of every turnpike road to make sufficient side drains on any such road, with power to conduct the water therefrom into any adjoining land, ditch, or watercourse (such land not being the site of any house or garden) in such manner as shall be least injurious to the proprietor or occupier of such land; the said side drains to be maintained at the expense of the trustees.

Trustees to make ditches.

LXXXV. And be it enacted, that it shall be lawful for the trustees of every turnpike road to make sufficient ditches along the side of any such road, provided that if the land is inclosed on the side of such turnpike road, such ditch shall be made on the field side of the fence, and also to make proper ditches and outlets from the said side ditches through any lands adjoining any such turnpike road (not being the site of any house or garden) in such manner as shall be least injurious to the proprietor and occupier of such land; and the occupier of such land (unless such land be uninclosed and waste) shall be obliged in all time thereafter to keep clear such side ditches and other ditches or outlets, as well as all such ditches already made along the sides of any turnpike road, when so required by the said trustees or their surveyor; and in case the proprietor or occupier shall neglect or refuse to cleanse such side ditches or other ditches or outlets, when duly required by such trustees or surveyors, such trustees or surveyors are hereby empowered to cleanse such side ditches or other ditches or outlets, and levy the expense thereof from the occupier of such grounds, in the same manner as other penalties by this Act imposed: Provided always, that nothing herein contained shall prohibit any proprietor or occupier from substituting, to the satisfaction of the trustees, any other equally effectual ditch or outlet in place of that constructed by the trustees.

Timber, stones, &c. left on roads may be seized.

LXXXVII. And be it enacted, that it shall be lawful for any trustee or surveyor of any turnpike road, or other person authorised by the trustees of any such road, brevi manu, to seize and carry off any timber, stone, dung, rubbish, or other matter or thing whatsoever laid or left upon any such road or footpath or on any side drain or ditch of such road, and to sell or otherwise dispose of the same as a forfeiture, in such manner as the trustees shall direct, unless such matter or thing shall be previously redeemed by the owner thereof by payment of the penalty in such case enacted: Provided always, that the proprietor or occupier of any lands or houses may lay down any materials for building or repairing any house or wall immediately adjoining any turnpike road, such materials occupying one fourth part of such road only, and such proprietor or occupier giving three days previous notice in writing to the clerk or surveyor of the road, and erecting such fence round such materials, and fixing and lighting lamps thereon, in such manner as the trustees may require.

Owners of adjoining lands to cut the hedges and branches of trees prejudicing the road.

LXXXVIII. And be it enacted, that the owners or occupiers of the lands next adjoining to every turnpike road shall prune and trim their hedges and cut them down to the height of six feet from the surface of the ground, and also cut, prune, or lop the branches of trees, bushes, and shrubs growing in or near such hedges or other fences, adjacent thereto, (such fences, trees, bushes, or shrubs not being in any garden, orchard, policy, walk, or avenue to a house, nor any tree, bush, or shrub being an ornament or shelter to a house, unless the same shall hang over the road or footpath or any part thereof in such a manner as to impede or annoy any carriage or person travelling thereon,) in such manner that the turnpike road shall not be prejudiced by the shade thereof, and that the sun and wind may not be excluded from such turnpike road to the damage thereof; and that if such owner or occupier shall not, within ten days after notice given by the

If neglected for ten days, surveyor may

complain to the justices, who may order them to be cut.

surveyor for that purpose, cut, prune, and trim such hedges, or cut, prune, or trim such branches of trees, bushes, and shrubs, in manner aforesaid, it shall and may be lawful for such surveyor and he is hereby required to make complaint to the sheriff or justices of the peace, who shall grant warrant to summon the occupier of such lands and the owner thereof, or his agent or factor in his absence, ten days after service, to appear and answer the said complaint; and if it shall appear to such sheriff or justices that such occupier or owner has not complied with the requisites of this Act in that behalf, it shall and may be lawful for such sheriff or justices, upon hearing the surveyor and occupier or owner of such land, or an agent authorised to appear for either of them, or in default of their appearance, upon having due proof of the service of such summons, and considering the circumstances of the case, to order such hedges to be cut, trimmed, and pruned, and such branches of trees, bushes, and shrubs to be cut, pruned, or trimmed, in such manner as may best answer the purposes aforesaid;

Penalty for neglect after order of justices.

and if the occupier of such lands shall not obey such order within ten days after it shall have been made, and he shall have had due notice thereof, he shall forfeit the sum of two shillings for every twenty-four feet in length of such hedge which shall be so neglected to be cut, trimmed, and pruned, and the sum of twopence for every tree, bush, or shrub which shall be so directed to be cut, pruned, or trimmed; and the surveyor, in case of such default made by the occupier, shall and he is hereby required to cut, prune, and trim such hedges, and to cut, prune, or trim such branches of trees, bushes, and shrubs in the manner directed by such order; and such occupier shall be charged with and pay, over and above such penalties, the expenses of such cutting, pruning, and trimming.

Time of cutting or pruning hedges.

LXXXIX. And be it enacted, that no person or persons shall be compelled, nor any surveyor permitted, by virtue of this Act, to cut or prune any hedge at any other time than between the last day of September and the last day of March, nor to cut, prune, or lop the branches of any ornamental trees (unless the same shall hang over the road or footpath or any part thereof so as to impede or annoy any carriage or person travelling thereon), if the proprietor or tenant of the lands shall become bound to pay the additional expenses which their remaining uncut or unlopped may occasion the said trustees in keeping any such roads in repair.

Penalties on persons making encroachments.

XC. And be it enacted, that if any person shall fill up or obstruct any ditch at the side of any turnpike road, or any ditch used for conveying water from the said road, or any side drain thereof, or ditch or drain under the same, or shall encroach by making any dwelling-house or other building, or any hedge, ditch, or other fence, or in any other manner whatever, on any turnpike road, or shall make any drain, gutter, sink, or watercourse across, under, or upon, or shall turn or conduct any drain or water across, under, or upon, or in any way break up the surface of any turnpike road, without the consent in writing of the trustees of such road or of their surveyor, such person shall forfeit for every such offence a penalty not exceeding five pounds; and it shall be lawful for the trustees of any such road to cause such dwelling-house or other building, hedge, ditch, or fence, drain, sink, watercourse, gutter, or other encroachment, to be taken down or filled up at the expense of the person so offending.

No houses, &c. to be erected on the sides of any turnpike road within the distance of twenty-five feet from the centre thereof, without consent of the trustees.

XCI. And be it enacted, that no houses, walls, or other buildings above seven feet high shall be erected without the consent of the trustees previously obtained in writing, and no new inclosures or plantations shall be made within the distance of twenty-five feet from the centre of any turnpike road, without prejudice always to any farther powers and authorities vested in any turnpike trustees thereanent by any local Act of Parliament, and no place out of which the trustees of any turnpike road have been in the use of taking materials shall, without the consent of the trustees previously obtained in writing, be in any way shut up or inclosed, under the penalty of five pounds for every such offence, and the expense of demolishing

such house, wall, or building, or of removing such inclosure or plantation; and the sheriff of the county and justices of the peace are hereby authorised and empowered, on application by any one of the turnpike trustees or their clerk, to order such house, wall, building, inclosure, or plantation to be pulled down or removed at the expense of the person erecting or making the same, or of the occupier or owner of the ground; nor shall the inclosing of such place out of which materials shall have been taken as aforesaid preclude the trustees of any turnpike road from re-opening and using the same.

Power to water roads.

XCII. And be it enacted, that it shall be lawful for the trustees of any turnpike road to cause the whole or any part thereof to be watered, and for that purpose to take water from any pond, stream, or source, with the consent of the owner thereof, or other persons interested therein, and to dig and make ways and passages and erect pumps and engines for such purpose, and to make such compensation as may be agreed upon between the said trustees and such owners or persons as aforesaid.

Trustees shall erect parapets, &c. where necessary.

XCIV. And be it enacted, that the trustees of every turnpike road shall erect sufficient parapet walls, mounds, or fences, or other adequate means of security, along the sides of all bridges, embankments, or other dangerous parts of the said roads; and if they shall fail therein it shall be lawful for the procurator fiscal or any commissioner of supply for the shire in which the part of such road complained of is situated, such commissioner finding security to pay expenses of process if he shall fail in his action, to prosecute the trustees of any such turnpike road before the sheriff of the shire in which such road is situated, who shall judge and determine therein in a summary manner, and upon finding the complaint well founded, may compel the said trustees to remedy the matter complained of, and allow the prosecutor the expenses of process; but if such prosecution shall be found groundless, the private prosecutor shall be liable in expenses.

Penalty on persons committing nuisances.

XCVI. And be it enacted, that if any person shall ride upon any footpath or causeway on or by the side of any turnpike road made or set apart for the use or accommodation of foot passengers, or shall lead or drive any horse, ass, mule, swine, or cattle, or carriage of any description, or any wheelbarrow, truck, or sledge, or any single wheel of any waggon, cart, or carriage apart therefrom, upon any such footpath or causeway; or shall wilfully obstruct or do or cause any injury or damage to be done to the same, or to the hedges, posts, rails, or fences thereof; or shall wilfully pull down or damage any bridge, wall, toll bar, or any building, fence, or erection made by the trustees of any turnpike road or repaired or repairable by them; or shall break, injure, remove, or displace any tools, trestles, bars, stones, materials, or other article whatsoever belonging to such trustees, or used on any such road under their authority; or shall haul or draw or cause to be hauled or drawn, upon any part of any turnpike road, any timber, stone, or other thing otherwise than upon a wheeled carriage, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon a wheeled carriage to drag or trail upon such road; or in ploughing or harrowing any adjacent uninclosed land shall turn any horse, plough, or harrow in or upon any such road or the side drains or ditches thereof; or shall, in or upon such road, or by the side or sides thereof, or in any exposed situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any beast, swine, calf, lamb, or other cattle; or if any person driving any carriage, cart, horse, or other beast on the said road, conveying any iron bar or rod, tree, wood, stone, basket, or pannier, or any other matter or thing, except hay and straw, suffer the same to project by more than thirty inches from the side of such horse or other beast, or more than one foot laterally beyond the wheels of such carriage, or so as in any manner to obstruct or impede the passage of any person, or any horse, beast, or carriage travelling along such turnpike road; or if any person shall carry any timber or other article above twenty-five feet

long on any cart or carriage not having more than two wheels; or if any hawker, higgler, gipsy, or other person shall pitch any tent or encamp upon or by the sides of any part of any turnpike road; or if any person occupying or using a blacksmith's shop, foundry, smelting house, iron or brass work, boiler-making work, glass work, soda, soap, or chemical work, shall not, by good and close shutters, every evening after it becomes twilight, or otherwise, bar and prevent the light from such shop shining into or upon the said road, and from being dangerous or detrimental to travellers; or if any person shall make or assist in making any fire or fires commonly called bonfires, or shall set fire to or let off or throw any squib, rocket, serpent, or other firework whatsoever within one hundred feet of the centre of such road, or shall discharge any gun, pistol, or other fire arms, fly kites, or bait or run for the purpose of baiting any bull, or play at football, tennis, fives, cricket, or any other game or games upon such road or on the side or sides thereof, or in any exposed situation near thereto, to the annoyance of any passenger or passengers; or if any person shall leave any waggon, cart, or other carriage whatever upon such road or on the side or sides thereof, without any proper person in the sole custody or care thereof, longer than may be necessary to load or unload the same, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such waggon or other carriage, during the time of loading or unloading the same, or of taking refreshments as near to one side of the road as conveniently may be, either with or without any horse or beast of draught harnessed or yoked thereto; or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon such road or on the side or sides thereof, or the footpaths or causeways adjoining; or shall hang or lay any linen clothes or other such article on any hedge or fence of any such road; or shall suffer any water, filth, dirt, or other offensive matter or thing whatsoever to run or flow into or upon such road or footpaths from any house, building, erection, lands, or premises adjacent thereto, or if any person driving any pigs or swine upon such road shall suffer such pigs or swine to root up or damage such road, or the fences, hedges, banks, or copse on either side thereof respectively; or if any person shall after having blocked or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to be or remain on such road the stone or other thing with which such cart or other carriage shall have been blocked or stopped; or if any person shall pull down, damage, injure or destroy any lamp or lamp post put up, erected, or placed in or near the side of any turnpike road, or toll house erected thereon, or shall extinguish the light of any such lamp; every person offending in any of the cases aforesaid shall for each and every such offence forfeit and pay any sum not exceeding fifty shillings over and above the damages occasioned thereby.

Regulation of drivers.

XCVII. And be it enacted, that if the driver of any cart, waggon, or other such carriage on any turnpike road shall ride on the shafts or in or on any other part of such carriage, without having and holding reins attached to each side of the bridle of each beast of draught drawing such cart or carriage, or shall at any time leave the same travelling on any such road without having some person to guide the beast or beasts of draught drawing the same, or shall allow to go at large any dog that may be attending him, or his waggon, cart, or other such carriage, or shall not chain or fasten the same to such waggon, cart, or carriage; or if the driver of any sort of carriage shall not keep to the left or near side of such road on meeting or on being overtaken by any other carriage or any rider, or shall wilfully prevent any other person passing him or his carriage; such driver shall for every such offence forfeit and pay a sum not exceeding five pounds over and above the damages occasioned thereby.

One driver may take charge of two carts.

XCVIII. And be it enacted, that if one person act as the driver of more than two carts, waggons, or other such carriages on any turnpike road, or

if the hinder of two carts, waggons, or other such carriages, when under the care of only one person, shall be drawn by more than one horse, or if the horse of such hinder cart, waggon, or carriage shall not be attached by a rein to the back of the cart which shall be foremost, and follow in the same line therewith, the horse drawing such hinder cart not being permitted to be further from the foremost than six feet, the owner or driver of every such waggon, cart, or other carriage shall for each transgression in any of the points aforesaid forfeit and pay a sum not exceeding forty shillings.

Children not to drive carts, &c.

XCIX. And be it enacted, that no waggon or cart travelling on any turnpike road shall be driven by any person who shall not be of the full age of fourteen years, under a penalty for each such offence not exceeding forty shillings, to be paid by the owner of such waggon or cart.

Persons opening up or conveying water across the roads or causeways must repair them.

C. And be it enacted, that if the causeways and footpaths of any turnpike road or any part thereof shall be opened up by any person or persons, with leave of the said trustees, or otherwise having authority so to do, for the laying of pipes for water, gas, tunnels, or railroads, or for any other purposes whatever, and the same shall not be immediately thereafter repaired, renewed, and rendered completely sufficient and good by the person or persons opening up the same, to the satisfaction of the said trustees or their surveyor, then the said trustees or their surveyor shall have full power, and they are hereby authorised to execute the necessary repairs on the part or parts of such road or footpath so opened up, and to restore the same completely, and to charge the expense thereof against the person or persons opening up the same, which shall be ascertained by an account under the hands of the said trustees or a quorum of them, or of their clerk or surveyor; and if any damage shall happen to the public from the operations of the persons opening up the road as aforesaid, such persons shall be solely liable for the same, and be obliged to relieve the said trustees thereof and of all expenses attending the same; and in all cases where any injury shall arise to any turnpike road from any drain, conduit, pipe, water, matter, or thing whatsoever being conveyed across, in, under, or upon, or by anything done upon any part of any such road, by any person having leave or otherwise entitled so to do, and such injury shall not be immediately repaired to the satisfaction of the trustees, they or their surveyor are hereby authorised to repair the same, and charge the expense thereof as aforesaid against the person occasioning the said injury, or for whose uses or purposes the thing occasioning the same shall be done or kept.

Surveyors, &c. not to leave nuisances on roads.

CI. And be it enacted, that if the surveyor of any turnpike road, or any contractor or other person employed on such road, shall lay on any part of any such road any heap of stones or other materials for the repair thereof, and shall permit the same to remain longer than necessary for the breaking and spreading of such materials; or shall lay on any such road any matter or thing, or shall knowingly permit to remain on any part of any such road any matter or thing, which may endanger the safety of any passenger; or shall dig any pit or make any cut on any turnpike road, without sufficiently fencing the same; such person shall for every such offence forfeit and pay a sum not exceeding five pounds over and above the damages occasioned thereby and expenses; and it shall be lawful for any person travelling along any turnpike road to prosecute for such sum, damages, and expenses in manner herein-after provided: Provided always, that it shall be lawful for any such surveyor, contractor, or other person to have on any such road, during daylight, any trestles or bars in any such manner as the trustees of such road may judge necessary to prevent interruption of the work during the repairing of the road, or to prevent carts or carriages from running in tracks injurious to the road: Provided always, that such trestles or bars shall at all times be placed in such manner as not to be more inconvenient to passengers than may be necessary to prevent interruption to the work, or to prevent carts or carriages from running in tracks injurious to the road.

Proprietors to fence pits made near the roads.

CII. And be it enacted, that if the proprietor or occupier of any lands adjacent to any turnpike road shall dig any pit or make any cut upon or within twelve feet of the side of any such road, and shall leave the same unfenced so as to be dangerous to travellers, and shall not fence the same when required so to do by any two of the trustees of such road, or the procurator fiscal of the shire within which the said pit or cut is situated, such proprietor or occupier shall forfeit and pay a sum not exceeding five pounds for every day such pit or cut shall continue to be unfenced beyond three days after notice shall have been given as aforesaid, and it shall be lawful, after such notice, for the said trustees or procurator fiscal to cause the same to be fenced at the expense of such proprietor or occupier.

No animal to be pastured on the roads.

CIII. And be it enacted, that if any horse, cattle, ass, sheep, swine, or other beast of any kind shall be pastured, or left or permitted to remain, or found straying on any turnpike road or the sides thereof (except on such parts of any road as pass through or over any common or waste ground, or land not inclosed, or arable on both sides), the person so pasturing or leaving such beast, or permitting the same to remain, or the person having the charge of such beast, or the owner thereof if such person cannot be found, shall forfeit and pay a sum not exceeding five shillings for every such beast; and it shall be lawful for any trustee of such road, or the surveyor of such trustees, or any other person authorised by them, brevi manu, to seize and detain the same until such penalty and the expenses of process and proceedings shall be paid; and in case the said penalty and expenses shall not be paid within three days after notice of such detention shall be given on the two nearest toll bars on the said road where such animal shall be found, the said surveyor or other person shall sell the same, with the authority of the sheriff or any justice of the peace for the shire, who are hereby empowered to grant such authority; and after deducting the amount of the said penalty and expenses such surveyor or other person shall pay the surplus, if any, to the owner of such animal so detained.

Side ridges to be made in uninclosed lands.

CIV. And be it enacted, that every person in ploughing any uninclosed land adjoining any turnpike road shall make side ridges along the sides of such road of the breadth of twelve feet at the least, under a penalty not exceeding five pounds.

Gates to open inwards.

CV. And be it enacted, that no gate of any park, field, or inclosure whatsoever shall be made to open into or towards any part of any turnpike road, or of any footpath belonging thereto, or be suffered so to open except the hanging post thereof shall be fixed or placed so far from the centre of any part of such road as that no part of such gate shall when open project over any part of such road or of any footpath belonging thereto; and the occupier of any park, field, or inclosure, having any gate opening outwards contrary to the meaning of this Act, shall, within six days after notice to him or her given, either personally or in writing, from the trustees of any turnpike road, or their surveyor, cause such gate to be hung so that no part of the gate when open shall project over any part of such road or of any footpath belonging thereto; and if such occupier fail so to do, the surveyor of any such road shall cause the gate to be hung as herein-before directed, and charge the expense of making such alteration and hanging such gate against the said occupier, who shall, over and above such expense, forfeit and pay a further sum not exceeding five pounds for such neglect.

Weeds to be cut by trustees.

CVI. And be it enacted, that the trustees of every turnpike road shall cut or cause to be cut all weeds growing on the same or the sides thereof, when inclosed, at a proper season of the year, in order to prevent such weeds coming into seed; and if they fail so to do for eight days after being required by the proprietor or occupier of the adjoining land, by notice in writing given to their clerk or surveyor, such proprietor or occupier may cut the same, and charge the expense thereof against the said trustees.

No windmill, &c. to be

CVII. And be it enacted, that no person shall hereafter erect any windmill, watermill, steam engine, or limekiln within the distance of one

hundred yards from any part of any turnpike road under the penalty of five pounds for every day such windmill, watermill, steam engine, or limekiln shall continue, unless the same shall be so placed or screened as to prevent damage or detriment to any traveller on such turnpike road by frightening horses or otherwise; nor shall any person hereafter place any skinner's washing pond within the distance of one hundred yards from any part of any turnpike road under a penalty not exceeding five pounds for every day any such nuisance shall continue: Provided always, that nothing herein contained shall be construed to render legal the erection, re-erection, or continuance of any windmill, watermill, steam engine, limekiln, or skinner's washing pond in any case where, by the common law, the same shall be a public or private nuisance.

Erected within 100 yards of the turnpike road.

CVIII. And be it enacted, that the owner of every waggon or cart, and also of every coach, postchaise, or other carriage, let either in the whole or in part to hire, shall paint in a straight line horizontally upon some conspicuous part on the off or right side of his waggon or cart, and upon the panels of the doors of all such coaches, postchaises, or other carriages before the same shall be used upon any turnpike road, the Christian and surname and place of abode of such person, or the Christian and surname and place of abode of the principal partner or owner thereof, in large legible Roman letters, either of a dark colour upon a light ground or of a light colour on a dark ground, not less than one inch in height, with numbers beginning with number one where more of such carriages respectively than one shall belong to the same owner, and proceeding in regular progression, and shall continue the same thereupon as aforesaid so long as such waggon, cart, or other carriage shall be used upon any turnpike road; and every owner of any such waggon, cart, or other carriage using or allowing the same to be used upon any turnpike road without the names and descriptions painted thereon respectively as aforesaid, and every person driving the same, shall forfeit for every such offence a sum not exceeding forty shillings; and every waggon or cart, and every such coach, postchaise, or other carriage let for hire without the name, surname, and place of abode of the owner painted thereon as herein-before directed, or having the same or any part thereof covered or placed so as to be illegible, shall be liable to pay double toll duty; and every person driving any such waggon, cart, or other carriage who shall refuse to stop and permit the name to be read or uncovered by any person requiring him so to do, shall over and above forfeit for every such offence any sum not exceeding forty shillings.

Owners of waggons, carriages, &c. shall cause their names to be painted thereon.

CHAPTER 52.

An Act to consolidate and amend the Acts relating to Public Health in Ireland. [8th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

1. This Act may be cited for all purposes as the Public Health (Ireland) Act, 1878.

Short title.

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

Interpretation of terms.

"Borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of

Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in Ireland," and any Act amending the same:

"Local Government Board" means the Local Government Board for Ireland:

"Person" includes any body of persons, whether corporate or unincorporate:

"Sanitary authority" means urban sanitary authority or rural sanitary authority, as by this Act defined, as the case may be:

"Lands" and "premises" include messuages, buildings, lands, easements, and hereditaments of any tenure:

"Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

"Rackrent" means rent which is not less than two thirds of the full net annual value of the property out of which the rent arises as ascertained under the Acts relating to the valuation of rateable property in Ireland:

"Street" includes any highway and any public bridge and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not:

"House" includes schools, and also factories and other buildings in which persons are employed, whatever their number may be:

"Drain" means any drain of and used for the drainage of one building only or of premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed:

"Sewer" includes sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a sanitary authority under this Act:

"Slaughter-house" includes the buildings and places commonly called slaughter-houses and knackers yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale:

"Common lodging-house" means a house in which or in any part of which persons are harboured or lodged for hire for a single night, or for less than a week at a time:

"Water company" means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit:

"Waterworks" includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueduct, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying or used for supplying water, also the stock in trade of any water company:

"Labouring Classes Lodging Houses Acts" means 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866); 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867):

"Artizans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130 (Artizans and Labourers Dwellings Act, 1868):

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40 (Bakehouse Regulation Act, 1863):

"Diseases Prevention Act" means 18 & 19 Vict. c. 116 (Diseases Prevention Act, 1855) as amended by 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases), as the same are amended and extended to Ireland by the Sanitary Act, 1866: 29 & 30 Vict. c. 90.

"Baths and Wash-houses Acts" means 9 & 10 Vict. c. 87 (An Act for promoting the voluntary establishment in boroughs and certain towns in Ireland of public baths and wash-houses):

"Sanitary Acts" means all the above-mentioned Acts and the Acts mentioned in the Schedule A. to this Act annexed, except the Burial Grounds Acts as herein-after defined, and includes any amendments of such Acts contained in this or any other Act; and, with respect to any urban sanitary district, includes any Act, local Act, or provisional order relating to the same subject matters as the above-mentioned Acts in force within such district:

"Sanitary purposes" means any objects or purposes of the Sanitary Acts:

"Burial Grounds Acts" means the Burial Grounds (Ireland) Act, 1856, as the same is amended by the 23 & 24 Vict. c. 76:

"Lands Clauses Acts" means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864, and the Railway Traverse Act: 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict. c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71. 14 & 15 Vict. c. 70.

"Poor Law Acts" means 1 & 2 Vict. c. 56, and the Acts amending the same:

The expression "Summary Jurisdiction Acts" means, as regards the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and elsewhere in Ireland, the Petty Sessions (Ireland) Act, 1851, and the Acts amending or affecting the same: 14 & 15 Vict. c. 93.

The expression "court of summary jurisdiction" means any justice or justices of the peace or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Chairman" includes recorder:

"Court of quarter sessions" means the court of general or quarter sessions of the peace having jurisdiction over the whole or any part of the district or place in which the matter requiring the cognizance of general or quarter sessions arises, and

when used in reference to any suit or proceeding prosecuted or taken in any borough in which there shall be a recorder having jurisdiction to hear appeals from rates, or from any order, conviction, or judgment of any court of summary jurisdiction, includes the court of such recorder.

PART I.

SANITARY AUTHORITIES.

Urban and rural sanitary districts.

3. For the purposes of this Act Ireland shall be divided into sanitary districts to be called respectively,—

(1.) Urban sanitary districts; and

(2.) Rural sanitary districts;

and every such urban and rural sanitary district shall respectively be subject to the jurisdiction of a sanitary authority, in this Act called an urban sanitary authority or urban authority and a rural sanitary authority or rural authority invested with the powers in this Act mentioned.

Description of urban sanitary districts and urban sanitary authorities.

4. Urban sanitary districts (or urban districts) shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities (or urban authorities) shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

TABLE above referred to.

Urban Sanitary District.	Urban Sanitary Authority.
The City of Dublin - - - - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns corporate (except Dublin) - - -	The Mayor, Aldermen, and Burgesses acting by the Town Council.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Commissioners appointed by virtue of an Act made in the ninth year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	The Commissioners.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners.
Towns, the population of which according to the last Parliamentary census exceeds six thousand, having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103).	The Town Commissioners.
Towns or townships having Commissioners under Local Acts.	The Town or Township Commissioners.

Power of urban authority to appoint committee.

5. Every urban authority may from time to time appoint out of their own number so many persons as they may think fit for any purposes of this Act which, in the opinion of such authority, would

be better regulated and managed by means of a committee or committees: Provided that a committee so appointed shall in no case be authorised to borrow any money, to make any rate, or to enter into any contract, and shall be subject to any regulations and restrictions which may be imposed by the authority that formed it.

Description of rural sanitary districts and rural sanitary authorities.

6. The area of every poor law union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district (or rural district), and the guardians of the union shall, as such, be the rural sanitary authority or rural authority of such district, subject to the following conditions; that is to say,

(1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority:

(2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral division into separate wards and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district:

(3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

Power to alter sanitary districts.

7. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein, in which there shall be town or township commissioners under any Act of Parliament, whether the number of the inhabitants of such town or district shall be more or less than six thousand, and to constitute it an urban sanitary district to be thereafter subject to all the provisions of this Act affecting urban sanitary districts, or to include any such town or district wholly situate in a rural sanitary district in any adjoining urban sanitary district, which, when so included in such urban sanitary district, shall be subject to all the provisions of the Acts constituting the urban authority of such urban sanitary district, and to all the provisions of this Act affecting urban sanitary districts; and the said Board shall likewise have power, by provisional order, to add any town or township under this Act constituted an urban

sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts. No such provisional order shall be made except on petition from one or other of the towns, townships, or districts affected by such order, nor in the event of any objection being taken by any person affected thereby until after due local inquiry.

Powers and duties of urban authorities.

8. Every urban authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exerciseable by or attaching to an urban authority under this Act, and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable or attaching by and to the local authority under the Bakehouse Regulation Act and the Artizans and Labourers Dwellings Act, or any Acts amending the same.

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exerciseable by or attaching to commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners, trustees, or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers, rights, duties, capacities, liabilities, and obligations of such commissioners, trustees, or other persons, in relation to such purposes, shall be transferred and attach to the said urban authority.

Powers and duties of rural authorities.

9. Every rural authority shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations exerciseable by or attaching to a rural authority under this Act, and in addition thereto shall within their district (to the exclusion of any other authority) have, exercise, and be subject to all the powers, rights, duties, capacities, liabilities, and obligations within such district exerciseable by or attached to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

Vesting of property in sanitary authorities.

10. From and after the passing of this Act all such property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), as belongs to or is vested in any sanitary authority as the

sanitary authority of any district under the Sanitary Acts, shall continue vested in such authority, subject to all debts, liabilities, and obligations affecting the same property.

All such property of a sanitary authority shall be held by such authority upon trust for the district or several places respectively within its jurisdiction for the purposes of this Act.

Sanitary officers and superintendent officers of health.

11. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, under the title of medical officer of health, with such additional salary as the sanitary authority thereof may determine, with the approval of the Local Government Board; and every sanitary authority, whether urban or rural, shall appoint such other sanitary officers, including a medical superintendent officer of health when deemed necessary, as the Local Government Board shall in each case direct, with such salaries or additional salaries as the said sanitary authority shall determine, with the approval of the Local Government Board; and the said Board shall assign to the medical officers of health, and to the other sanitary officers, if any, and to the medical superintendent officer of health, if such an officer be appointed for the sanitary district, their respective duties and functions in the discovery or inspection or removal of nuisances, in the supply of pure water, in the making or repairing of sewers and drains, or in generally aiding the administration of the sanitary laws within the district.

Provided that with regard to salaries or additional salaries whereof any portion is to be recouped to any local fund from moneys voted by Parliament, the amount of any new salary and the proportion between any existing salary, and the addition thereto, shall be approved by the Commissioners of Her Majesty's Treasury.

Every such salary or additional salary so determined or approved shall be payable from such local fund as the Local Government Board shall indicate as properly chargeable therewith, and such part thereof as Parliament shall from time to time determine shall be recouped to such local fund out of moneys to be voted by Parliament; and the Local Government Board shall have the same powers with regard to the qualification, appointment, duties, regulation of salary, and tenure of office of every sanitary officer as they have in the case of the medical officer of a dispensary district.

Union of Districts.

Formation of united district.

12. Where it appears to the Local Government Board, on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or of any of them, or of any parts thereof, or of any contributory places in any rural sanitary district or districts, that they should be formed into a united district for all or any of the purposes following; that is to say,

(1.) The procuring a common supply of water; or

(2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or

(3.) For any other purpose of this Act,

the Local Government Board may, by provisional order, form such districts or contributory places into a united district.

All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act.

Governing body of united district.

13. The governing body of a united district shall be a joint board consisting of such ex-officio members and of such number of elective members, not being less than the ex-officio members, as the Local Government Board may, by the provisional order forming the district, determine.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

Regulation as to constitution of joint board.

14. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under this Act which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property, with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts.

Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to; nevertheless the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties, with the approval of the Local Government Board.

PART II.

SANITARY PROVISIONS.

Sewerage and Drainage.

Regulations as to Sewers and Drains.

Sewers vested in sanitary authority.

15. All existing and future sewers within the district of a sanitary authority, together with all buildings, works, materials, and things belonging thereto,

Except

(1.) Sewers made by any person for his own profit, or by any company for the profit of the shareholders; and

(2.) Sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and

(3.) Sewers under the authority of any commissioners of sewers appointed by the Crown,

shall vest in and be under the control of such sanitary authority.

Provided that sewers within the district of a sanitary authority which have been or which may hereafter be constructed by or transferred to some other sanitary authority, or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers, shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.

Power to purchase sewers.

16. Any sanitary authority may purchase or otherwise acquire from any person any sewer, or any right of making or of user or other right in or respecting a sewer (with or without any buildings, works, materials, or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer, right, or property belonging to him; and any purchase money paid by such authority in pursuance of this section shall be subject to the same trusts (if any) as the sewer, right, or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, to the same extent as he would or might have done if the purchase had not been made.

Maintenance and making of sewers.

17. Every sanitary authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act.

Powers for making sewers.

18. Any sanitary authority may carry any sewer through, across, or under any road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier into, through, or under any lands whatsoever within their district.

They may also (subject to the provisions of this Act relating to sewage works without the district of the sanitary authority)

exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

Sewage to be purified before being discharged into streams.

19. Nothing in this Act shall authorise any sanitary authority to make or use any sewer, drain, or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal, pond, or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse, or in such canal, pond, or lake.

Alteration and discontinuance of sewers.

20. Any sanitary authority may from time to time enlarge, lessen, alter the course of, cover in, or otherwise improve any sewer belonging to them, and may discontinue, close up, or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived in pursuance of this section of the lawful use of any sewer: Provided that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance.

Cleansing sewers.

21. Every sanitary authority shall cause the sewers belonging to them to be constructed, covered, ventilated, and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied.

Map of system of sewerage.

22. Every urban sanitary authority shall, and any rural sanitary authority may, if they think fit, provide a map exhibiting the system of sewerage, if any, in their district, and such map shall be kept at their office, and shall be revised from time to time, and shall at all reasonable times be open to the inspection of the ratepayers of their district.

Power of owners and occupiers within district to drain into sewers of sanitary authority.

23. The owner or occupier of any premises within the district of a sanitary authority shall be entitled to cause his drains to empty into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by that authority to superintend the making of such communications.

Any person causing a drain to empty into a sewer of a sanitary authority without complying with the provisions of this section shall be liable to a penalty not exceeding twenty pounds, and the sanitary authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

Use of sewers by owners and occupiers without district.

24. The owner or occupier of any premises without the district of a sanitary authority may cause any sewer or drain from such premises to communicate with any sewer of the sanitary authority on such terms and conditions as may be agreed on between such owner or occupier and such sanitary authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

Power of sanitary authority to enforce

25. Where any house within the district of a sanitary authority is without a drain sufficient for effectual drainage, the sanitary

authority may by written notice require the owner or occupier of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the sanitary authority are entitled to use, and which is not more than one hundred feet from the site of such house ; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the sanitary authority direct ; and the sanitary authority may require any such drain or drains, cesspool or cesspools, to be of such materials and size, and to be so ventilated, and to be laid at such level, and with such fall as may appear to them to be necessary : Provided that where, in the opinion of the sanitary authority, greater expense would be incurred in the construction of such cesspool or cesspools than in the making of a drain emptying into a sewer which they are entitled to use, the sanitary authority may require the owner or occupier to make such drain, notwithstanding that the sewer into which it is to empty is not within one hundred feet of the site of the house. drainage of undrained houses.

If such notice is not complied with, the sanitary authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the sanitary authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the sanitary authority may construct such new sewer, and require the owners or occupiers of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or may by order declare the same to be private improvement expenses.

Power of sanitary authority to require houses to be drained into new sewers.

26. Where any house within the district of a sanitary authority has a drain communicating with any sewer, which drain, though sufficient for the effectual drainage of the house, is not adapted to the general sewerage system of the district, or is in the opinion of the sanitary authority otherwise objectionable, the sanitary authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them, under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

Penalty on building house without drains in urban district.

27. It shall not be lawful in any urban district newly to erect any house or to rebuild any house which has been pulled down to or below the first floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, in such manner, and at such level, and with such fall as may appear to the urban authority to be necessary for the effectual drainage of such house ; and the drain or drains so to be constructed shall empty into some sewer which the urban

authority are entitled to use, and which is within one hundred feet of some part of the site of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such properly constructed cesspool or other place, not being under any house, as the urban authority direct: Provided always, that the sanitary authority may, at the request of the owner of the house, permit such drain or drains to be disconnected from the interior of the house in such manner as it may think proper.

Any person who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable to a penalty not exceeding fifty pounds.

Power to compel paving, &c. of private streets.

28. Where any street within any urban district (not being for such purposes in charge of the sanitary authority, or of any grand jury, or other public body), or the carriageway, footway, or any other part of such street is not sewered, metalled, paved, flagged, channelled, and made good, or is not lighted to the satisfaction of the urban authority, such authority may by notice addressed to the respective owners or occupiers of the premises fronting, adjoining, or abutting on such parts thereof as may require to be sewered, levelled, paved, metalled, flagged, or channelled, or to be lighted, require them to sewer, level, pave, metal, flag, channel, or make good, or to provide proper means for lighting the same within a time to be specified in such notice.

Before giving such notice the urban authority shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof, to be made under the direction of their surveyor or other duly appointed officer, such plans and sections to be on a scale of not less than one inch for eighty-eight feet for a horizontal plan, and on a scale of not less than one inch for ten feet for a vertical section, and in case of a sewer showing the depth of such sewer below the surface of the ground; such plans, sections, and estimate shall be deposited in the office of the urban authority, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice, and a reference to such plans and sections in such notice shall be sufficient without requiring any copy of such plans and sections to be annexed to such notice.

If such notice is not complied with, the urban authority may, if they think fit, execute the works mentioned or referred to therein, and may recover in a summary manner the expenses incurred by them in so doing from the owners in default, according to the frontage of their respective premises, and in such proportion as is settled by the surveyor of the urban authority, or (in case of dispute) by arbitration in manner provided by this Act, or the urban authority may by order declare the expenses so incurred to be private improvement expenses.

The same proceedings may be taken and the same powers may be exercised in respect of any such street or road of which a part is or may be a public footpath, under charge of the sanitary authority, or grand jury, or other public body, as fully as if the whole of such street or road was a highway not in charge of the sanitary authority, or grand jury, or other public body.

Penalty on unauthorised building over sewers and under streets in urban district.

29. Any person who in any urban district, without the written consent of the urban authority,—

(1.) Causes any building to be newly erected over any sewer of the urban authority; or,

(2.) Causes any vault, arch, or cellar to be newly built or constructed under the carriageway of any street,

shall forfeit to the urban authority the sum of five pounds and a further sum of forty shillings for every day during which the offence is continued after a written notice in this behalf from the urban authority; and the urban authority may cause any building, vault, arch, or cellar, erected or constructed in contravention of this section to be altered, pulled down, or otherwise dealt with as they may think fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

Disposal of Sewage.

Powers for disposing of sewage.

30. For the purpose of receiving, storing, disinfecting, distributing, or otherwise disposing of sewage, any sanitary authority may—

(1.) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the sanitary authority) without their district; and

(2.) Contract for the use of, purchase, or take on lease any land, buildings, engines, materials, or apparatus, either within or without their district; and

(3.) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and costs of works either within or without their district for the purposes of such supply:

Provided that no nuisance be created in the exercise of any of the powers given by this section.

Power to agree for communication of sewers with sewers of adjoining district.

31. The sanitary authority of any district may, by agreement with the sanitary authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the sanitary authorities, or, in case of dispute, may be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority.

Power to deal with land appropriated to sewage purposes.

32. Any sanitary authority may deal with any lands held by them for the purpose of receiving, storing, disinfecting, or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction,

that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance.

Contribution to works under agreement for supply or distribution of sewage.

33. Where any sanitary authority agree with any person as to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such sanitary authority, or to or in which the benefits and obligations of such agreement may have been or may be transferred or vested.

Application of 27 & 28 Vict. c. 114. to works for supply of sewage.

34. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an "improvement of land" authorised by the Improvement of Land Act, 1864, and the provisions of that Act shall apply accordingly.

As to Sewage Works without District.

Notice to be given before commencing sewage works without district.

35. A sanitary authority shall, three months at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulating within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the townlands, and the roads and streets, and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said lands, and on the sanitary authority having jurisdiction over the same, and on the secretary of the grand jury, or other person having the care of such roads or streets.

In case of objection, works not to be commenced without sanction of Local Government Board.

36. If any such owner, lessee, or occupier, or any such sanitary authority, secretary to the grand jury, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said three months the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

Inspector to hold inquiry and report to Local Government Board.

37. The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

Regulation of Buildings.

Power to purchase premises

38. Any urban authority may purchase any premises for the purpose of widening, opening, enlarging, or otherwise improving

any street, or (with the sanction of the Local Government Board) for the purpose of making any new street. for improvement of streets.

39. When any house or building situated in any street in an urban district, or the front thereof, has been taken down, in order to be rebuilt or altered, the urban authority may prescribe the line in which any house or building, or the front thereof, to be built or rebuilt in the same situation shall be erected, and such house or building, or the front thereof, shall be erected in accordance therewith. Power to regulate line of buildings.

The urban authority shall pay or tender compensation to the owner or other person immediately interested in such house or building for any loss or damage he may sustain in consequence of his house or building being set back or forward, the amount of such compensation, in case of dispute, to be settled by arbitration in manner provided by this Act.

40. It shall not be lawful in any urban district, without the written consent of the urban authority, to bring forward any house or building forming part of any street, or any part thereof, beyond the front wall of the house or building on either side thereof, nor to build any addition thereto beyond the front of the house or building on either side of the same. Buildings not to be brought forward.

Any person offending against this enactment shall be liable to a penalty not exceeding forty shillings for every day during which the offence is continued after written notice in this behalf from the urban authority.

41. Every sanitary authority may make byelaws with respect to the following matters; (that is to say,) Power to make byelaws respecting new buildings, &c.

(1.) With respect to the level, width, and construction of new streets, and the provisions for the sewerage thereof, and the preventing of the opening thereof for public use until such byelaws have been complied with:

(2.) With respect to the structure, and description and quality of the substances used in the construction of new buildings for securing stability and the prevention of fires, and for purposes of health:

(3.) With respect to the sites of houses, buildings, and other erections, and the mode in which, and the materials with which such foundations and sites shall be made, formed, excavated, filled up, prepared, and completed for securing stability, the prevention of fires, and for purposes of health.

For the purposes of this Act—

The term "foundations" shall mean the space immediately beneath the footings of a wall;

The term "site" in relation to a house, building, or other erection shall mean the whole space to be occupied by such house, building, or other erection between the level of the bottom of the foundations and the level of the base of the walls:

(4.) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the ventilation of buildings:

(5.) With respect to the drainage of buildings, to waterclosets, earthclosets, privies, ashpits, and cesspools in connexion with buildings, and to the closing of buildings or parts of buildings unfit for human habitation, and to prohibition of their use for such habitation:

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the sanitary authority, and as to the power of such authority (subject to the provision of this Act) to remove, alter, or pull down any work begun or done in contravention of such byelaws: Provided that no byelaw made under this section shall affect any building erected before the passing of this Act. The provisions of this section and the two last preceding sections shall not apply to buildings belonging to any railway company and used for the purpose of such railway under any Act of Parliament.

As to commencement of works and removal of works made contrary to byelaws.

42. Where a notice, plan, or description of any work is required by any byelaw made by a sanitary authority to be laid before that authority, the sanitary authority shall, within one month after the same has been delivered or sent to their clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any byelaw of the sanitary authority, the sanitary authority may cause so much of the work as has been executed to be pulled down or removed.

Where a sanitary authority incur expenses in or about the removal of any work executed contrary to any byelaw, such authority may recover in a summary manner the amount of such expenses either from the person executing the works removed or from the person causing the works to be executed, at their discretion.

Where a sanitary authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the day when the offence was committed or the byelaw was broken.

What to be deemed a new building.

43. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or of any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of a new building; and whenever any old building has been taken down to an extent exceeding one half of such building, such half to be

measured in cubic feet, the rebuilding thereof shall be considered the erection of a new building.

Privies, Waterclosets, &c.

Penalty on building houses without privy accommodation.

44. It shall not be lawful newly to erect any house, or to rebuild any house pulled down to or below the ground floor, without sufficient watercloset, earthcloset, or privy accommodation, and an ashpit furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a penalty not exceeding twenty pounds.

Power of sanitary authority to enforce provision of privy accommodation for houses.

45. If a house within the district of a sanitary authority appears to such authority to be without sufficient watercloset, earthcloset, or privy accommodation, and a properly constructed ashpit, the sanitary authority shall, by written notice, require the owner or occupier of the house, within a reasonable time therein specified, to provide sufficient watercloset, earthcloset, or privy accommodation, and an ashpit constructed as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the sanitary authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses: Provided that where a watercloset, earthcloset, or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the sanitary authority a watercloset, earthcloset, or privy may be so used, they need not require the same to be provided for each house.

As to earthclosets.

46. Any enactment in force within the district of any sanitary authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the sanitary authority, of an earthcloset.

Any sanitary authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water.

Any sanitary authority may themselves undertake, or contract with any person to undertake, a supply of dry earth or other deodorising substance to any house within their district for the purpose of any earthcloset.

In this Act the term "earthcloset" includes any place for the reception and deodorization of fœcal matter constructed to the satisfaction of the sanitary authority.

Other means of removing house refuse.

47. When on the representation of the sanitary authority of any district it shall appear to the satisfaction of the Local Government Board that in such district, or in any part thereof to be defined by the Local Government Board, a system has been established and is effectually carried out by which house refuse and fœcal matter is removed at short and regular intervals, and in such a manner as not to be a nuisance or injurious to health, or that no avoidable

nuisance injurious to health or offensive to public decency exists in such district or part of such district, the Board may by order declare that the enactments with respect to waterclosets herein contained shall, so far as regards such district, or part of a district, be deemed to be satisfied; and such enactments shall, while such order shall remain in force, and to the extent and subject to any conditions therein prescribed, be deemed to be satisfied accordingly. Every such order may from time to time be varied or revoked by the Local Government Board.

Privy accommodation for factories.

48. Where it appears to any sanitary authority that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the sanitary authority may, if they think fit, by written notice, require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of ashpits, and of waterclosets, earthclosets, or privies, for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

Public necessaries.

49. Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals, waterclosets, earthclosets, privies, and ashpits, and other similar conveniences for public accommodation.

Drains, privies, &c. to be properly kept.

50. Every sanitary authority shall provide that all drains, waterclosets, sinks, lavatories, gully traps, earthclosets, privies, ashpits, and cesspools within their district be constructed, trapped, covered, ventilated, and kept so as not to be a nuisance or injurious to health.

Examination of drains, &c. on complaint of nuisance.

51. On the written application of any person to a sanitary authority, stating that any drain, watercloset, earthcloset, privy, ashpit, or cesspool on or belonging to any premises within their district is a nuisance or injurious to health (but not otherwise), it shall be lawful for any sanitary officer duly authorised in writing in that behalf by such sanitary authority, after twenty-four hours written notice to the occupier of such premises, or in case of emergency without notice, to enter such premises, with or without assistants, and cause the ground to be opened, and examine such drain, watercloset, earthcloset, privy, ashpit, or cesspool. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the person making the above-mentioned written application. If the drain, watercloset, earthcloset, privy, ashpit, or cesspool on examination appear to be in bad condition, or to require alteration or amendment, the sanitary authority shall forthwith cause notice in writing to be given to the owner or occupier of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied with, the person to whom it is given shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make

default, and the sanitary authority may, if they think fit, execute such works, and may recover in a summary manner from the owner the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses, as well as the expenses incurred in the previous examination.

Scavenging and Cleansing.

Regulations as to Streets and Houses.

Sanitary authority to provide for cleansing of streets and removal of refuse.

52. Every sanitary authority may, and when required by order of the Local Government Board shall, themselves undertake or contract for—

The removal of house refuse from premises;

The cleansing of earthclosets, privies, ashpits, and cesspools;

either for the whole or any part of their district: Moreover, every urban authority and any rural authority invested by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of streets, and may also themselves undertake or contract for the proper watering of streets for the whole or any part of their district.

All matters collected by the sanitary authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an urban authority shall be carried to the account of the fund or rate applicable by them for the general purposes of this Act; and any profits thus made by a rural authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the sanitary authority or contractor in removing any matters by this section authorised to be removed by the sanitary authority, he shall for each offence be liable to a penalty not exceeding five pounds: Provided that the occupier of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the meantime kept so as not to be a nuisance.

Penalty on neglect of sanitary authority to remove refuse, &c.

53. If a sanitary authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets, privies, ashpits, and cesspools, fail, without reasonable excuse, after notice in writing from the occupier of any house within their district requiring them to remove any house refuse, or to cleanse any earthcloset, privy, ashpit, or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the sanitary authority shall be liable to pay to the occupier of such house a penalty not exceeding five shillings for every day during which such default continues after the expiration of the said period.

Power of sanitary authority to make bye-laws imposing

54. Where the sanitary authority do not themselves undertake or contract for—

The cleansing of footways and pavements adjoining any premises,

duty of cleansing, &c. on occupier.

The removal of house refuse from any premises,

The cleansing of earthclosets, privies, ashpits, and cesspools belonging to any premises,

they may make byelaws imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

An urban authority may also, and when required by order of the Local Government Board shall, make byelaws for the prevention of nuisances arising from snow, filth, dust, ashes, and rubbish, and for the regulation of the keeping of animals on any premises, or for the prevention of such keeping, so as to be injurious to health.

Power to provide receptacles for deposit of rubbish.

55. Any sanitary authority shall, if necessary, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust, ashes, and rubbish; they shall also provide fit buildings or places for the deposit of any matters collected by them in pursuance of this part of this Act: Provided that no nuisance is created by the exercise of any of the powers given by this section.

Houses to be purified, on certificate of officer of health or of two medical practitioners.

56. Where, on the certificate of the medical officer of health or of any two medical practitioners, it appears to any sanitary authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the sanitary authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a penalty not exceeding ten shillings for every day during which he continues to make default; and the sanitary authority shall cause such house or part thereof to be whitewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

Penalty in respect of certain nuisances on premises.

57. Any person who in any sanitary district—

(1.) Keeps any swine or pig stye in any dwelling house, or so as to be a nuisance to any person; or

(2.) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after written notice to him from the sanitary authority to remove the same; or

(3.) Allows the contents of any watercloset, privy, or cesspool to overflow or soak therefrom,

shall, for every such offence be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding five shillings for every day during which the offence is continued, and the sanitary authority shall abate or cause to be abated every such nuisance, and may recover in a summary manner the expenses incurred by them in so doing from the occupier, or, in the case of houses let to weekly or monthly tenants, or in separate apartments, from the owner of the premises on which the nuisance exists.

Offensive Ditches and Collections of Matter.

Provision for obtaining order for cleansing offensive ditches lying near to or forming the boundaries of districts.

58. Where any watercourse or open ditch lying near to or forming the boundary between the district of any sanitary authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such sanitary authority, any justice having jurisdiction in such adjoining district may, on the application of such sanitary authority, summon the sanitary authority of such adjoining district to appear before a court of summary jurisdiction to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and such court, after hearing the parties, or ex parte in case of the default of any of them to appear, may make such order with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

Removal of filth on certificate of inspector of nuisances or sanitary officer.

59. Where in any urban district it appears to the inspector of nuisances or sanitary officer that any accumulation of manure, dung, soil, or filth, or other offensive or noxious matter, ought to be removed, he shall give notice to the person to whom the same belongs, or to the occupier of the premises whereon it exists, to remove the same; and if such notice is not complied with within twenty-four hours from the service thereof, the manure, dung, soil, or filth, or matter referred to, shall be vested in and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any) shall be paid on demand to the owner of the matter removed.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority in a summary manner from the person to whom the accumulation belongs or from the occupier of the premises, or (where there is no occupier) from the owner.

Periodical removal of manure from mews and other premises.

60. Notice may be given by any urban authority (by public announcement in the district or otherwise) for the periodical removal of manure or other refuse matter from mews, stables, or other premises; and where any such notice has been given, any person to whom the manure or other refuse matter belongs who fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a penalty not exceeding twenty shillings for each day during which such manure or other refuse matter is permitted to accumulate.

Water Supply.

Powers of Sanitary Authority in relation to Supply of Water.

General powers for supplying district with water.

61. Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory

place, with a supply of water proper and sufficient for public and private purposes, and for those purposes, or any of them, may—

(1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and

(2.) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights, powers, and privileges of any water company; and

(3.) Contract with any person for a supply of water.

Restriction on construction of waterworks by sanitary authority.

62. Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the sanitary authority shall give written notice to every water company within whose limits of supply the sanitary authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the sanitary authority.

It shall not be lawful for the sanitary authority to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the sanitary authority; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

As to construction of reservoirs.

63. At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the sanitary authority shall give notice of the intended work by advertisement in one or more of the local newspapers circulating within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the sanitary authority at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the sanitary authority, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

Power of carrying mains.

64. Where a sanitary authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their dis-

trict as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

As to supply of water.

65. A sanitary authority shall provide and keep in any waterworks constructed or purchased by them a supply of pure and wholesome water; and where a sanitary authority lay any pipes for the supply of any of the inhabitants of their district, the water may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied.

Power to charge water rates and rents.

66. Where a sanitary authority supply water to any premises they may charge in respect of such supply a water rate to be assessed on the net annual value of the premises to be made, assessed, and levied in like manner in every respect as the rate out of which the expenses incurred by such sanitary authority in the execution of this Act are defrayed; moreover, they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and may recover water rents or other moneys payable under such agreements in a summary manner.

Certain provisions of 10 & 11 Vict c. 17. and 26 & 27 Vict. c. 93. incorporated.

67. For the purpose of enabling any sanitary authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847; (namely,)

"With respect" (where the sanitary authority have not the control of the streets) "to the breaking up of streets for the purpose of laying pipes"; and

"With respect to the communication pipes to be laid by the undertakers"; and

"With respect to the communication pipes to be laid by the inhabitants"; and

"With respect to waste or misuse of the water supplied by the undertakers"; and

"With respect to the provision for guarding against fouling the water of the undertakers"; and

"With respect to the payment and recovery of the water rates."

Provided,—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the sanitary authority lay any pipes for the supply of any of the inhabitants thereof; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction; and

10 & 11 Vict. c. 17. s. 44.

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the owner or reputed owner "of any such house, or of the agent of such owner," were omitted therefrom; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure.

68. A sanitary authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The sanitary authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove, test, inspect, and replace any such meter or other instrument.

Register of meter to be evidence.

69. Where water is supplied by measure by any sanitary authority, the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed; and if the sanitary authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction, and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

Penalty for injuring meters.

70. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a sanitary authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the sanitary authority, he shall (without prejudice to any other right or remedy of the sanitary authority) be liable to a penalty not exceeding forty shillings, and the sanitary authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration, prevention, abstraction, or use shall be evidence that the consumer has fraudulently effected the same.

Power to supply water to authority of adjoining district.

71. Any sanitary authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the sanitary authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act.

Sanitary authority may require houses to be supplied with water in certain cases.

72. Where on the report of the sanitary officer of a sanitary authority it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at such cost as the Local Government Board may, on the application of the sanitary authority, determine under all the circumstances of the case to be reasonable, the sanitary authority shall give notice in writing to the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the sanitary authority may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the

authority or company which furnishes the supply, and may be recovered as if the owner or occupier of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the sanitary authority in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the sanitary authority be declared to be private improvement expenses.

Powers of water company for supplying water to sanitary authority. 25 & 26 Vict. c. 89.

73. Any water company may contract to supply water or may lease their waterworks to any sanitary authority; and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any sanitary authority, on such terms as may be agreed on between the company and the sanitary authority, all the rights, powers, and privileges, and all or any of the waterworks, premises, and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, &c. in sanitary authority.

74. All existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

Water for public baths, or trading or manufacturing purposes.

75. Any sanitary authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the sanitary authority and the persons desirous of being so supplied; moreover, any sanitary authority may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

Duty of urban authority to provide fire-plugs.

76. In every urban sanitary district, or part of such district, in which and so far as no water company shall be by law liable to the obligation of doing the several matters and things mentioned in this section, the urban authority shall cause fire-plugs and all necessary works, machinery, and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

Provisions for Protection of Water.

Penalty for causing water to be corrupted by gas washings.

77. Any person engaged in the manufacture of gas who—

(1.) Causes or suffers to be brought or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond, or place for water is fouled,

shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, a further sum of twenty pounds for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the sanitary authority by the sanitary authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the sanitary authority of their intention to proceed for such penalty, by the sanitary authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Sanitary authority may take proceedings to prevent pollution of streams.

78. Any sanitary authority, with the sanction of the Attorney General for Ireland, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment, bill in Chancery, action, or otherwise, as they may deem advisable for the purpose of protecting any watercourse wholly or partially within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

Power to close polluted wells, &c.

79. On the representation of any person to any sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well, tank, or cistern belongs, if it be private, and in the case of a public well, tank, cistern, or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well, tank, cistern, or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear

to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may, on the application of the sanitary authority, authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

Gas Supply, &c.

Powers of urban authority for lighting their district.

80. Any urban authority may contract with any company or person authorised by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes supplying gas within any part of the district of such authority, for the supply of gas, or other means of lighting the streets, markets, and public buildings in their district, and may provide such lamps, lamp-posts, and other materials and apparatus as they may think necessary for lighting the same.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes, or any of them, throughout the whole or any part of their district; and if there is any such company or person so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

33 & 34 Vict. c. 70.

Power for sale of undertaking of gas company to urban authority.

25 & 26 Vict. c. 89.

81. For the purpose of supplying gas within their district, or any part thereof, either for public or private purposes, any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the

members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such authority and the company, all the rights, powers, and privileges and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of such purchase.

REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

Occupation of Cellar Dwellings.

Prohibition of occupying cellar dwellings.

82. It shall not be lawful to let or occupy, or suffer to be occupied separately as a dwelling, any cellar (including for the purposes of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

Existing cellar dwellings only to be let or occupied on certain conditions.

83. It shall not be lawful to let or occupy, or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with; (that is to say,)

Unless the cellar is in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, and is at least three feet of its height from the surface of the street or ground adjoining or nearest the same; and

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof up to the surface of the said street or ground, an open area of at least two feet and six inches wide in every part; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor thereof; and

Unless there is appurtenant to the cellar the use of a watercloset, earthcloset, or privy, and an ashpit furnished with proper doors and coverings, according to the provisions of this Act; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window, or windows of such an area as shall be deemed sufficient by the sanitary authority, and made to open in a manner approved by the sanitary authority (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than four superficial feet in area clear of the sash frame):

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of six inches at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

84. Any person who lets, occupies, or knowingly suffers to be occupied for hire or rent any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding twenty shillings for every day during which the same continues to be so let or occupied after notice in writing from the sanitary authority in this behalf. Penalty on persons offending against enactment.

85. Any cellar in which any person passes the night shall be deemed to be occupied as a dwelling within the meaning of this Act. Definition of occupying as a dwelling.

86. Where two convictions against the provisions of any Act relating to the occupation of a cellar as a separate dwelling place have taken place with respect to the same cellar within three months (whether the persons so convicted were or were not the same) a court of summary jurisdiction may direct the closing of the premises so occupied for such time as it may deem necessary, or may empower the sanitary authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section. Power to close cellars in case of two convictions.

Common Lodging-houses.

87. Every sanitary authority shall keep a register in which shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house, and the number of lodgers authorised under this Act by such authority to be received therein; and such register shall at all reasonable times be open to the inspection of any ratepayer of such district. Registers of common lodging-houses to be kept.

A copy of any entry in such register, certified by the clerk of such sanitary authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing on which the entry is founded; and a certified copy of any such entry shall be supplied gratis by such clerk to any person applying at a reasonable time for the same.

88. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof. All common lodging-houses to be registered, and to be kept only by registered keepers.

89. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the sanitary authority; and the sanitary authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the sanitary authority a certificate of character, in such form as the sanitary authority direct, signed by three inhabitant householders of the union respectively rated to the relief of the poor of the union within which the lodging-house is situate for property of the yearly rateable value of six pounds or upwards. Sanitary authority may refuse to register houses.

90. The keeper of every common lodging-house shall affix and keep undefaced and legible a notice with the words "Registered Notice of registration to be

affixed to houses.

Lodging-house" in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the sanitary authority, refuses or neglects to affix or renew such notice shall be liable to a penalty not exceeding five pounds, and to a further penalty of ten shillings for every day that such refusal or neglect continues after conviction.

Byelaws to be made by sanitary authority.

91. Every sanitary authority shall from time to time make byelaws—

(1.) For fixing and from time to time varying the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and,

(2.) For promoting cleanliness and ventilation in such houses; and,

(3.) For the giving of notices and the taking precautions in the case of any infectious disease; and,

(4.) Generally for the well ordering of such houses.

Power to sanitary authority to require supply of water to houses.

92. Where it appears to any sanitary authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the sanitary authority may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the sanitary authority shall remove such house from the register until it is complied with.

Limewashing of houses.

93. The keeper of a common lodging-house shall, to the satisfaction of the sanitary authority, limewash the walls and ceilings thereof in the first week of each of the months of April and October in every year, and shall if he fails to do so be liable to a penalty not exceeding forty shillings, and in the event of such failure the work may be executed by the sanitary authority, and the cost recovered in a summary manner.

Power to order reports from keepers of houses receiving vagrants.

94. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the sanitary authority so to do, report to the sanitary authority, or to such person as the sanitary authority direct, every person who resorted to such house during the preceding day or night, and for that purpose schedules shall be furnished by the sanitary authority to the person so ordered to report, which schedules he shall fill up with the information required and transmit to the sanitary authority.

Keepers to give notice of fever, &c. therein.

95. The keeper of a common lodging-house shall, when a person in such house is ill of fever or any infectious disease, give immediate notice thereof to an officer of the sanitary authority, and also to the poor law relieving officer of the union in which the common lodging-house is situated.

As to inspection.

96. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall, at all times when required by any officer of the sanitary authority, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding five pounds.

Offences by keepers of houses.

97. Any keeper of a common lodging-house who—

(1.) Receives any lodger in such house without the same being registered under this Act; or,

(2.) Fails to make a report, after he has been furnished by the sanitary authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or,

(3.) Fails to give the notices required by this Act where any person has been confined to his bed in such house by fever or other infectious disease,

shall be liable to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding forty shillings for every day during which the offence continues.

Evidence as to family in proceedings.

98. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of any house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

Conviction for third offence to disqualify persons from keeping common lodging-house.

99. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within five years after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the sanitary authority, which license the sanitary authority may withhold or grant on such terms and conditions as they think fit.

Byelaws as to Houses let in Lodgings.

Local Government Board may empower sanitary authority to make byelaws as to lodging-houses.

100. The Local Government Board may, if they think fit, by notice published in the Dublin Gazette, and in some newspaper or newspapers circulating in the district, declare the following enactment to be in force within the district or any part of the district of any sanitary authority, and from and after the publication of such notice such authority shall be empowered to make byelaws for the following matters; (that is to say,)

(1.) For fixing and from time to time varying the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied:

(2.) For the registration of houses so let or occupied:

(3.) For the inspection of such houses:

(4.) For enforcing drainage and the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses:

(5.) For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof:

(6.) For the giving of notices and the taking of precautions in case of any infectious disease.

Saving for common lodging-houses.

101. The provisions of the last preceding section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.

Clocks.

Urban authority may provide public clocks.

102. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and shall keep such clocks when so fixed in good repair and keeping correct time, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

MARKETS AND SLAUGHTER-HOUSES.

Urban authority may provide markets.

103. Any urban authority shall have power, at a meeting specially convened for the purpose, of which not less than thirty days public notice has been given, and at which not less than two thirds of the members are present, and so that a clear majority of the entire body concurs, and that the Local Government Board approves, to do the following things, or any of them, within their district:

To provide a market-place and construct a market house and other conveniences for the purpose of holding markets:

To provide houses and places for weighing carts:

To make convenient approaches to such market:

To provide all such matters and things as may be necessary for the convenient use of such market:

To purchase or take on lease or otherwise land or the right to use land, and public or private rights in markets and tolls for any of the foregoing purposes:

To take stallages, rents, and tolls in respect of the use by any person of such market:

but no market shall be established in pursuance of this section so as to interfere with any rights, powers, or privileges enjoyed within the district by any person without his consent.

For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets; that is to say,

10 & 11 Vict. c. 14.

With respect to the holding of the market or fair, and the protection thereof; and

With respect to the weighing goods and carts; and

With respect to the stallages, rents, and tolls:

Provided that all tolls leviable by an urban authority in pursuance of this section shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them make byelaws for any of the purposes mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to markets, and printed copies of any byelaw so made shall be conspicuously exhibited in the market.

10 & 11 Vict. c. 14.

Power for sale of undertaking of market company to urban authority.

104. Any urban authority may purchase, and the directors of any market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three

fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights, powers, and privileges, and all or any of the markets, premises, and things which at the time of such purchase are the property of the company, but subject to all liabilities attached to the same at the time of such purchase.

Power to provide slaughter-houses.

105. Any urban authority may, if they think fit, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any slaughter-houses so provided.

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to slaughter-houses shall be incorporated with this Act.

10 & 11 Vict. c. 34.

Nothing in this section shall prejudice or affect any rights, powers, or privileges of any persons incorporated by any local Act in force at the time of the passing of this Act for the purpose of making and maintaining slaughter-houses.

Any urban authority may make byelaws for the decent and seemly conveyance of meat through the public thoroughfares.

Notice to be affixed on slaughter-houses.

106. The owner or occupier of any slaughter-house licensed or registered under this Act shall, within one month after the licensing or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words "Licensed slaughter-house," or "Registered slaughter-house," as the case may be.

Any person who makes default in this respect, or who neglects or refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding five pounds for every such offence, and of ten shillings for every day during which such offence continues after conviction.

Nuisances.

Definition of nuisances.

107. For the purposes of this Act,—

1. Any premises in such a state as to be a nuisance or injurious to health:
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance or injurious to health:
3. Any animal so kept as to be a nuisance or injurious to health:
4. Any accumulation or deposit which is a nuisance or injurious to health:
5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family:
6. Any factory, workshop, or workplace not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried

on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein:

7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act: Provided—

First, that a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health:

Secondly, that where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

29 & 30 Vict. c. 90. 41 & 42 Vict. c. 16.

This section shall be deemed to be an enactment substituted for the provisions of section nineteen of the Public Health Act, 1866, within the meaning of section one hundred and six of the Factory and Workshop Act, 1878.

Duty of sanitary authority to inspect district for detection of nuisances.

108. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same; also to enforce the provisions of any Act in force within their district requiring fireplaces and furnaces to consume their own smoke.

Information of nuisances to sanitary authority.

109. Information of any nuisance under this Act in the district of any sanitary authority may be given to such sanitary authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district.

Sanitary authority to serve notice re-

110. On the receipt of any information respecting the existence of a nuisance the sanitary authority shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act,

default, or sufferance the nuisance arises or continues, or, if such person cannot be found, on the owner or occupier of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose: Provided— quiring abatement of nuisance.

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section shall be served on the owner:

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default, or sufferance of the owner or occupier of the premises, the sanitary authority may themselves abate the same without further order.

111. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the sanitary authority, likely to recur on the same premises, the sanitary authority shall cause a complaint relating to such nuisance to be made before a justice, and such justice shall thereupon issue a summons requiring the person on whom the notice was served to appear before a court of summary jurisdiction. On non-compliance with notice, complaint to be made to justice.

112. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court shall make an order on such person requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence; or an order both requiring abatement and prohibiting the recurrence of the nuisance. Power of court of summary jurisdiction to make order dealing with nuisance.

The court may by their order impose a penalty not exceeding five pounds on the person on whom the order is made, and shall also give directions as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.

113. Where the nuisance proved to exist is such as to render a house or building, in the judgment of the court, unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on the court being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited. Order of prohibition in case of house unfit for human habitation.

114. Any person not obeying an order to comply with the requisitions of the sanitary authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding ten shillings per day during his default; and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a penalty not exceeding twenty shillings per day Penalty for contravention of order of court.

during such contrary action; moreover, the sanitary authority may enter the premises to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a summary manner the expenses incurred by them from the person on whom the order is made.

Appeal against order.

115. Where any person appeals against an order to the court of quarter sessions in manner provided by this Act, no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until after the determination of such appeal, unless such appeal ceases to be prosecuted.

In certain cases order may be addressed to sanitary authority.

116. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court may be addressed to and executed by the sanitary authority.

Power to sell manure, &c.

117. Any matter or thing removed by the sanitary authority in abating any nuisance under this Act may be sold by public auction; and the money arising from the sale may be retained by the sanitary authority, and applied in payment of the expenses incurred by them with reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

Power of entry of sanitary authority.

118. The sanitary authority, or any of their officers, shall be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist, or an order of abatement or prohibition has been made, the sanitary authority, or any of their officers, shall be admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the sanitary authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.

If admission to premises for any of the purposes of this section is refused, any justice, on complaint thereof on oath by any officer of the sanitary authority (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the sanitary authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, on oath made before him of that fact, by order under his hand, authorise the sanitary authority, or any of their officers, to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the sanitary authority, or any of their officers, on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

Penalty for disobedience of order.

119. Any person who refuses to obey an order of a justice for admission of the sanitary authority, or any of their officers, on any premises shall be liable to a penalty not exceeding five pounds.

Costs and expenses of execution of provisions relating to nuisances.

120. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be money paid for the use and at the request of the person on whom the order is made; or if the order is made on the sanitary authority, or if no order is made, but the nuisance is proved to have existed when the complaint was made or the notice given, then of the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the owner of premises, such costs and expenses may be recovered from any person who is for the time being owner of such premises: Provided that such costs and expenses shall not exceed in the whole one year's rackrent of the premises.

Such costs and expenses, and any penalties incurred in relation to any such nuisance, may be recovered in a summary manner or in the Civil Bill Court or in any superior court; and the court shall have power to divide costs, expenses, and penalties between persons by whose acts or defaults a nuisance is caused as to it may seem just.

Any costs and expenses recoverable under this section by a sanitary authority from an owner of premises may be recovered from the occupier for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment out of the rent from time to time becoming due in respect of the said premises, as if the same had been actually paid to such owner as part of such rent:

Provided that no such occupier shall be required to pay any further sum than the amount of rent for the time being due from him, or which, after demand of such costs or expenses from such occupier, and after notice not to pay his landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him by the sanitary authority, truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie on such occupier:

Provided also, that nothing herein contained shall affect any contract between any owner or occupier of any house, building, or other property whereby it is or may be agreed that the occupier shall pay or discharge all rates, dues, and sums of money payable in respect of such house, building, or other property, or to affect any contract whatsoever between landlord and tenant.

Power of individual to complain to justice of nuisance.

121. Complaint may be made to a justice of the existence of a nuisance under this Act on any premises within the district of any sanitary authority by any person aggrieved thereby, or by any

inhabitant of such district, or by any owner of premises within such district, and thereupon the like proceedings shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the sanitary authority:

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may authorise the entry into such premises of any constable or other person for the purposes of such examination:

Provided also, that the court may authorise any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made in a summary manner.

Any constable or other person authorised under this section shall have the like powers and be subject to the like restrictions as if he were an officer of the sanitary authority authorised under the provisions of this Act relating to nuisances to enter any premises and do any act thereon.

Power of officer of police to proceed in certain cases against nuisances.

122. Where it is proved to the satisfaction of the Local Government Board that a sanitary authority have made default in doing their duty in relation to nuisances under this Act, the Local Government Board may authorise any officer of police or constabulary acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover in a summary manner, or in the civil bill or any superior court, any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority:

But such officer of police or constabulary shall not be at liberty to enter any house or part of a house used as the dwelling of any person without such person's consent, or without the warrant of a justice, for the purpose of carrying into effect this enactment.

Sanitary authority may take proceedings in superior court for abatement of nuisances.

123. Any sanitary authority may, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in any superior court of law or equity to enforce the abatement or prohibition of any nuisance under this Act, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of this Act relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the fund or rate applicable by them to the general purposes of this Act.

Power to proceed where cause of nuisance arises without district.

124. Where a nuisance under this Act within the district of a sanitary authority appears to be wholly or partially caused by some act or default committed or taking place without their district, the sanitary authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances by this Act authorised, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district; so, however, that summary proceedings shall in no case be taken otherwise than before a court having

jurisdiction in the district where the act or default is alleged to be committed or take place.

Provision in case of two convictions for overcrowding.

125. Where two convictions against the provisions of any Act relating to the overcrowding of a house have taken place in respect of the same house within a period of three months (whether the persons convicted were or were not the same) a court of summary jurisdiction may, on the application of the sanitary authority of the district in which the house is situated, direct the closing of the house for such period as the court may deem necessary.

Provision as to ships.

126. For the purpose of the provisions of this Act relating to nuisances any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any river, harbour, or other water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

The master or other officer in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

This section shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's commission, or to any ship or vessel belonging to any foreign government.

Provisions of Act relating to nuisances not to affect other remedies.

127. The provisions of this Act relating to nuisances shall be deemed to be in addition to and not to abridge or affect any right, remedy, or proceeding under any other provisions of this Act, or under any other Act not by this Act repealed, or at law or in equity:

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances and under any other law or enactment.

Offensive Trades.

Restriction on establishment of offensive trade in urban district.

128. Any person who, after the passing of this Act, establishes within the district of an urban authority, without their consent in writing, any offensive trade; that is to say, the trade of—

Blood boiler, or
Bone boiler, or
Fellmonger, or
Soap boiler, or
Tallow melter, or
Tripe boiler, or gut manufacturer, or
Any other noxious or offensive trade, business, or manufacture,

shall be liable to a penalty not exceeding fifty pounds in respect of the establishment thereof, and any person carrying on a business so established shall be liable to a penalty not exceeding forty shillings for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Byelaws as to offensive trades in urban district.

129. Every urban authority shall from time to time, with the sanction of the Local Government Board, make byelaws with respect to any offensive trades established with their consent either before or after the passing of this Act, in order to prevent or diminish the noxious or injurious effects thereof.

Duty of urban authority to complain to justice of nuisance arising from offensive trade.

130. Where any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling, burning, or crushing bones, or any manufactory, building, or place used for any trade, business, process, or manufacture causing effluvia, is certified to any urban authority by their medical officer of health, or by any two legally qualified medical practitioners, or by any ten inhabitants of the district of such urban authority, to be a nuisance or injurious to the health of any of the inhabitants of the district, such urban authority shall direct complaint to be made before a justice, who may summon the person by or on whose behalf the trade so complained of is carried on to appear before a court of summary jurisdiction.

The court shall inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a nuisance, or causes any effluvia which is a nuisance or injurious to the health of any of the inhabitants of the district, and unless it be shown that such person has used the best practicable means for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier,) shall be liable to a penalty not exceeding five pounds nor less than forty shillings, and on a second and any subsequent conviction to a penalty double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of two hundred pounds:

Provided that the court may suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.

Any urban authority may, if they think fit, on such certificate as is in this section mentioned, cause to be taken any proceedings in any superior court of law or equity against any person in respect of the matters alleged in such certificate.

Power to proceed where nuisance arises from offensive trade carried on without district.

131. Where any house, building, manufactory, or place which is certified in pursuance of the last preceding section to be a nuisance or injurious to the health of any of the inhabitants of the district of an urban authority is situated without such district, such urban authority may take or cause to be taken any proceedings by that section authorised in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house, building, manufactory, or place were situated within such district; so, however, that summary proceedings shall not in any case be had otherwise than before a court having jurisdiction in the district where the house, building, manufactory, or place is situated.

Unsound Meat, &c.

Power of medical officer of health to inspect meat, &c.

132. Any sanitary officer of the sanitary authority may at all reasonable times inspect and examine any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter exposed or being conveyed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, and intended for the food of man, the proof that the same was not exposed or being conveyed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter appears to such sanitary officer to be diseased, or unsound, or unwholesome, or unfit for the food of man, he may seize and carry away the same himself, or by an assistant, in order to have the same dealt with by a justice; and should he seize the same in a public thoroughfare, may require the person conveying the same to give his own name and address and that of the owner of the article seized, and in default, or if the officer have reasonable ground for suspecting the names or addresses so given to be false, may detain such person and give him into custody until his real name and address be ascertained. Any person giving a false name or address to any officer authorised to demand the same under this section shall be liable to a penalty not exceeding five pounds.

Power of justice to order destruction of unsound meat, &c.

133. If it appears to the justice that any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter so seized is diseased, or unsound, or unwholesome, or unfit for the food of man, he shall condemn the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of exposure or conveyance for sale, or in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding twenty pounds for every animal, carcase, or fish, or piece of meat, flesh, or fish, or any poultry or game, or for the parcel of fruit, vegetables, corn, bread, or flour, or for the milk or butter so condemned, or at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than three months.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed, or any other justice having jurisdiction in the place.

Penalty for hindering officer from inspecting meat, &c.

134. Any person who in any manner prevents any sanitary officer or other person duly authorised by the sanitary authority of the sanitary district from entering any premises in such district and inspecting any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter, exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such officer or person, when carrying into execution the provisions of this Act, shall be liable to a penalty not exceeding five pounds.

Search warrant may be granted by a justice.

135. On complaint made on oath by a sanitary officer, or other person duly authorised by a sanitary authority, any justice may

grant a warrant to any such officer or person to enter any building or part of a building in which such officer or person has reason for believing that there is kept or concealed any animal, carcase, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, or butter which is intended for sale for the food of man, and is diseased, unsound, or unwholesome, or unfit for the food of man; and to search for, seize, and carry away any such animal or other article in order to have the same dealt with by a justice under the provisions of this Act.

Any person who obstructs any such officer or person in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a penalty not exceeding twenty pounds.

Grand juries may present in advance for the purpose of providing for the execution of 38 & 39 Vict. c. 63.

136. The grand jury of any county may, for the purpose of providing for the due execution of the Sale of Food and Drugs Act, 1875, from time to time, without previous application to presentment sessions, present in advance such moneys as may in their opinion be necessary, and the treasurer, or any person discharging the duties of treasurer, or finance committee of such county may, out of any money in his or their hands raised in pursuance of any such presentment, from time to time advance to any inspector of weights and measures or police constable such sums as he or they may think necessary for the purpose aforesaid.

INFECTIOUS DISEASES.

Provisions against Infection.

Duty of sanitary authority to cause premises to be cleansed and disinfected.

137. Where any sanitary authority are of opinion, on the certificate of their sanitary officer, or of any legally qualified medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be the duty of such authority to give notice in writing to the owner or occupier of such house or part thereof, requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a penalty of not less than one shilling and not exceeding forty shillings for every day during which he continues to make default; and the sanitary authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a summary manner.

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the sanitary authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof.

Destruction of infected bedding, &c.

138. Any sanitary authority may direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and may give compensation for the same.

139. Every sanitary authority may provide a proper place, with all necessary apparatus and attendance, for the disinfection of bedding, clothing, or other articles which have become infected, and shall cause any articles brought for disinfection to be disinfected free of charge, and may provide for the conveyance of such articles to such place. Provision of means of disinfection.

140. Every sanitary authority shall provide and maintain a carriage or carriages suitable for the conveyance of persons suffering under any infectious disorder, and shall pay the expense of conveying therein any person so suffering to a hospital or other place of destination, and shall keep such carriage or carriages properly disinfected. Provision of conveyance for infected persons.

141. Where any suitable hospital or place for the reception of the sick is provided within the district of a sanitary authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by other persons not so suffering, or is on board any ship or vessel, may, on a certificate signed by a legally qualified medical practitioner, and with the consent of the superintending body of such hospital or place, be removed, by order of any justice, to such hospital or place at the cost of the sanitary authority; and any person so suffering, who is lodged in any common lodging-house, may, with the like consent and on a like certificate, be so removed by order of the sanitary authority. Removal of infected persons without proper lodging to hospital by order of justice.

An order under this section may be addressed to such constable or officer of the sanitary authority as the justice or sanitary authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

142. Any person who— Penalty on exposure of infected persons and things.

(1.) While suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop, inn, or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor, or driver thereof that he is so suffering; or

(2.) Being in charge of any person so suffering, so exposes such sufferer; or

(3.) Gives, lends, sells, transmits, or exposes, without previous disinfection any bedding, clothing, rags, or other things which have been exposed to infection from any such disorder; or

(4.) Exposes or conveys without proper precaution the body of any person who has died of any dangerous infectious disorder; or

(5.) Wakes, or permits to be waked, in any house, room, or place, over which he has control, the body of any person who has died of any dangerous infectious disorder,

shall be liable to a penalty not exceeding five pounds; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, may be summarily ejected therefrom, and shall in

addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags, or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

143. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, or any bedding, clothing, rags, or other things which have been exposed to infection from such disorder, and which have not been previously disinfected, and if he fails to do so he shall be liable to a penalty not exceeding five pounds; but no such owner or driver shall be required to convey any person so suffering, or any such bedding, clothing, or other things, until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Penalty on letting houses in which infected persons have been lodging.

144. Any person who knowingly lets for hire any house, room, or part of a house in which any person has been suffering from any dangerous infectious disorder, without having such house, room, or part of a house, and all articles therein liable to retain infection, disinfected to the satisfaction of a legally qualified medical practitioner, as testified by a certificate signed by him, shall be liable to a penalty not exceeding twenty pounds.

For the purposes of this section, the keeper of an inn or school shall be deemed to let for hire part of a house to any person admitted as a guest into such inn or school respectively.

Penalty on persons letting or taking houses making false statements as to infectious disease.

145. Any person letting for hire or showing for the purpose of letting for hire any house or part of a house who, on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or within three months previously having been therein any person suffering from any dangerous infectious disorder, or any person hiring or negotiating for the hire of any house or part of a house, who, on being questioned by any person letting, or showing for the purpose of letting, such house or part of a house as to the fact of any of the persons for whose use the said house or part of the house is about being hired being or, within three months previously, having been affected by any dangerous infectious disorder, knowingly makes a false answer to such question, shall be liable, at the discretion of the court, to a penalty not exceeding twenty pounds, or to imprisonment, with or without hard labour, for a period not exceeding one month.

Infection in schools.

146. Any person who shall knowingly or negligently send a child to school who, within the space of three months, has been suffering from any dangerous infectious disorder, or who has been resident in any house in which such dangerous infectious disorder shall have existed within the space of six weeks, without a certificate from some duly qualified medical practitioner that such child is free from disease and infection, and unless his or her clothes have been properly disinfected, shall be liable to a penalty not exceeding forty shillings.

Justices may make an order for the vaccination of any child under 14 years.

147. If any registrar, or any officer appointed by the guardians to enforce the provisions of the Acts relating to vaccination in Ireland, shall give information in writing to a justice of the peace that he has reason to believe that any child under the age of fourteen years, being within the union or district for which the informant acts, has not been successfully vaccinated, and that he has given notice to the father or mother of the said child, or to the person having the care, nurture, or custody of such child, to procure its being vaccinated, and that this notice has been disregarded, the justice may summon such father or mother or person to appear with the child before him at a certain time and place, and upon the appearance, if the justice shall find, after such examination as he shall deem necessary, that the child has not been vaccinated, nor has already had the smallpox, he may, if he see fit, make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been so vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall be proceeded against summarily, and, unless he can show some reasonable ground for his omission to carry the order into effect, shall be liable to a penalty not exceeding twenty shillings.

Provided that if the justice shall be of opinion that the person is improperly brought before him, and shall refuse to make any order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider to be a fair compensation for his expenses and loss of time in attending before the justice.

Power of Local Government Board to make regulations.

148. The Local Government Board may from time to time make, alter, and revoke such regulations as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic, endemic, or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas, rivers, and waters of the United Kingdom, and on the high seas within three miles of the coasts thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regulations so made shall be published in the Dublin Gazette, and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a penalty not exceeding fifty pounds.

Prevention of the Spread of Infectious Diseases.

Power of Local Government Board to make regulations for prevention of the spread of diseases.

149. Whenever any part of Ireland appears to be threatened with or is affected by any formidable epidemic, endemic, or infectious disease, the Local Government Board may make, and from time to time alter and revoke, regulations for all or any of the following purposes; (namely,)

(1.) For the speedy interment of the dead; and

(2.) For house to house visitation;

(3.) For the provision of medical aid and hospital accommodation; and

(4.) For the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any sanitary authority, and to apply to any ships or vessels, whether on inland waters, or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned; and may by any subsequent order abridge or extend such period. For the purpose of any regulations to be made under this section any ship or vessel lying in any river, harbour, or other water within the district of a sanitary authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district; and any ship or vessel lying in any water not within the district of a sanitary authority shall be deemed to be within the district of such sanitary authority as may have been or may be prescribed by the Local Government Board, and where no sanitary authority has been prescribed, then of the sanitary authority whose district nearest adjoins the place where such ship or vessel is lying.

Boards of guardians to see to the execution of regulations.

150. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, shall superintend and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts, matters, and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover such board of guardians may from time to time direct any prosecution or legal proceedings for or in respect of the wilful violation or neglect of any such regulations.

Any such expenses incurred by any board of guardians with respect to any ship or vessel lying in any river, harbour, or water shall, in case the Local Government Board shall so direct, be defrayed out of a common fund to be contributed by the sanitary districts which, or any part of which, abut on such river, harbour, or water, in such proportions as the Local Government Board thinks just and shall order.

For the purpose of obtaining payment from any contributory sanitary district of the sum to be contributed by it, such board of guardians shall issue its precept to the sanitary authority of each such contributory district, requiring them within a time limited by the precept to pay the amount therein mentioned to the person therein specified.

Any contribution due from any sanitary authority under this section shall be a debt due from them and may be recovered accordingly, such contribution being deemed expenses of such sanitary authority incurred by them in carrying into effect the provisions of this Act.

Power of entry.

151. The board of guardians of any union within which, or within part of which, regulations so issued by the Local Government Board are declared to be in force, and their officers, shall have power of entry on any premises or ships or vessels for the purpose of exe-

cuting or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

Poor law medical officer entitled to costs of attendance on board vessels.

152. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, the medical officer of health of any sanitary district performs any medical service on board any ship or vessel he shall be entitled to charge extra for such service, at a rate to be fixed by the Local Government Board; and such charges shall be payable by the captain of such vessel on behalf of the owner thereof, together with any reasonable expenses for the treatment of the sick.

Where such services are rendered by any medical practitioner who is not a medical officer of health of any sanitary district, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may, where the charges do not exceed twenty pounds, be determined by a court of summary jurisdiction; and such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charge within the place where the dispute arises for attendance on patients of the like class as those in respect of whom the charge is made.

Local Government Board may combine boards of guardians.

153. The Local Government Board may, if they think fit, by order authorise or require any two or more boards of guardians to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

Penalty for violating or obstructing the execution of regulations.

154. Any person who—

(1.) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,

(2.) Wilfully obstructs any person acting under the authority or in the execution of any such regulation,

shall be liable to a penalty not exceeding five pounds.

Hospital accommodation.

155. Any sanitary authority may, with the sanction of the Local Government Board, provide for the use of the inhabitants of its district hospitals or temporary places for the reception of the sick or convalescent, and for that purpose may itself build such hospitals or places of reception, or contract for the use of any existing hospital, or part of a hospital, or place for the reception of the sick or convalescent, or may enter into an agreement with any person, or body of persons, having the management of any hospital for the reception of the sick or convalescent inhabitants of the district, on payment of such annual or other sum as may be agreed upon.

Recovery of cost of maintenance of patient in hospital.

156. Any expenses incurred by a sanitary authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority), a patient who is not a pauper shall be deemed to be a debt due from such patient to the sanitary authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

MORTUARIES, &c.

Power of sanitary authority to provide mortuaries.

157. Any sanitary authority may, and if required by the Local Government Board shall, provide and fit up a proper place or places for the reception of dead bodies before interment (in this Act called a mortuary), and may make byelaws with respect to the management and charges for use of the same; they may also provide for the decent and economical interment, at charges to be fixed by such byelaws, of any dead body which may be received into a mortuary.

Justice may in certain cases order removal of dead body to mortuary.

158. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such house or room, any justice may, on a certificate signed by a legally qualified medical practitioner, whose fee for giving the certificate shall be one guinea, to be paid by the sanitary authority, order the body to be removed, at the cost of the sanitary authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of the relieving officer to bury such body at the expense of the poor rate, but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

The body of any person who has died of any dangerous infectious disease in any hospital or place for the treatment of the sick shall not be removed from such hospital, until removed direct to a mortuary or cemetery, and any person violating, or any officer of a hospital or other person who knowingly permits the violation of, this provision shall be liable to a penalty not exceeding five pounds.

Power of sanitary authority to provide places for post-mortem examinations.

159. Any sanitary authority may provide and maintain a proper place (otherwise than at a workhouse or at a mortuary) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may make regulations with respect to the management of such place; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

PART III.

BURIAL GROUNDS.

Sanitary authority to be burial board.

160. The sanitary authority of each sanitary district, except towns or townships having commissioners under local Acts, shall be the burial board for such district, and such burial board shall, in

carrying into execution the provisions of this part of this Act, be subject to the control and direction of the Local Government Board. In towns or townships having commissioners under local Acts, the guardians of the poor of the poor law union or unions in which the town or township is situated shall be the burial board for the town or township, or the part thereof situated within the union of which they are the guardians, as the case may be.

Vesting of burial ground by Church Temporalities Commissioners.

161. Every burial ground heretofore vested in a board of guardians by the Commissioners of Church Temporalities in Ireland shall be transferred to and shall vest in the burial board as constituted by this Act of the district within which it is situate, subject to all rights, liabilities, and obligations affecting the same, and any burial ground hereafter to be vested by the said Commissioners in a burial board shall be vested by them in the burial board of the district in which such burial ground shall be situate, anything to the contrary heretofore enacted notwithstanding.

All burial grounds and all property, real and personal, including all interests, rights, and easements in, to, and out of property, real and personal (including things in action), heretofore belonging to or vested in any burial board under the Burial Grounds Acts shall be transferred to and vest in the burial board (as constituted by this Act) of the district within which the same are situate, subject to all rights, debts, liabilities, and obligations affecting the same.

Provided that every burial ground heretofore acquired by any burial board under the provisions of the Burial Grounds Acts, or of any local Act, situate wholly or in part without the limits of the district of such burial board, shall for all the purposes of this Act be deemed to be situate wholly within the limits of the district of such burial board.

All such property shall be held by such burial board upon trust for the district or several places respectively within its jurisdiction as a burial board under this Act.

On representation duly made, Local Government Board may restrain the opening of new burial grounds and order discontinuance of burials in specified places.

162. In case it shall appear to the Local Government Board, upon representation made to it or otherwise, that for the protection of public health the opening of any new burial ground in any city or town, or within any other limits in Ireland, save with the approval of the Local Government Board, should be prohibited, or that for such protection of public health, or for the maintenance of public decency, or to prevent a violation of the respect due to the remains of deceased persons, that burials in any city or town, or within any other limits, or in any burial ground or places of burial in Ireland, should be wholly discontinued, or should be discontinued subject to any exception or qualification, it shall be lawful for the Local Government Board to order that no new burial ground shall be opened in any city or town or within such limits, without such previous approval, or that after a time mentioned in the order burials in any such city or town, or within such limits, or in such burial grounds, or places of burial, shall be discontinued wholly or subject to any exceptions or qualifications mentioned in such order, and so from time to time as circumstances may require.

Power to direct local inquiry.

163. When and so often as such representation shall have been made, or otherwise as occasion may require, it shall and may be lawful for the Local Government Board, if it shall think fit, to

direct an inquiry to be made in the place or district in which any such burial ground or place of burial may be situate, in respect of any matter in relation thereto, after notice shall have been given of the time, place, and subject of such inquiry, such notice to be published once in the Dublin Gazette, and affixed on the doors of the church and chapel of, or in some other conspicuous places within, the parish in which such burial ground may be situate, three weeks before the time of holding such inquiry; and it shall be lawful for one of the inspectors of the said Local Government Board to hold such inquiry, and upon receipt of the report of such inspector as to the result of such inquiry, and of the evidence, if any, taken thereon, it shall be lawful for the Local Government Board to act, and deal with, and make such order in the case, in such manner and in such form, and without further notice, as to them may seem meet; and at any time thereafter to vary such order as occasion may require, and every such order or amended order shall be deemed in all respects valid and effectual in law.

Local Government Board may postpone order for discontinuance of burials, &c.

164. It shall be lawful for the Local Government Board to postpone the time appointed by any order for the discontinuance of burials, or otherwise to vary any order made under this Act, (whether the time thereby appointed for the discontinuance of burials thereunder or other operation of such order shall or shall not have arrived,) as to the said board shall seem fit; and every order of the said board made for varying any order previously made under this Act shall be deemed valid and effectual in law.

Order not to extend to burial grounds of Quakers, unless expressly included.

165. No such order as aforesaid shall be deemed to extend to any burial ground of the people called Quakers, used solely for the burial of the bodies of such people, unless the same shall be expressly mentioned in such order, and nothing in this Act shall prevent the burial of the bodies of such people in any such burial ground in which for the time being interment is not required to be discontinued.

Order not to extend to burial grounds of French Protestants, unless expressly included.

166. No such order as aforesaid shall be deemed to extend to the burial grounds or cemeteries situate respectively in Merrion Row and Peter Street in the city of Dublin, the property of the French Protestants, and used solely for the burial of the bodies of the descendants of the French Protestant refugees, unless the same be expressly mentioned in such order, and nothing in this Act shall prevent the burial as heretofore in such burial grounds or cemeteries respectively, so situate in Merrion Row and Peter Street aforesaid, of the bodies of such descendants of French Protestant refugees.

Penalty on persons burying contrary to the provisions of orders.

167. If any person, after the time mentioned in any order under this Act for the discontinuance of burials, knowingly and wilfully buries any body, or in anywise acts or assists in the burial of any body, in or under any church, chapel, churchyard, burial ground, or place of burial or elsewhere, as the case may be, within the limits in which burials have by such order been ordered to be discontinued, in violation of the provisions of any such order, every person so offending shall, upon conviction thereof before a court of summary jurisdiction, forfeit a sum not exceeding ten pounds.

Saving of certain rights to bury in vaults.

168. Notwithstanding any such order as aforesaid where, by usage or otherwise, there is at the time of the passing of this Act any usage or right of interment in or under any church or chapel affected by

such order, or in any vault of any such church or chapel, or of any churchyard or burial ground affected by such order, and where any exclusive right of interment in any such burial ground has been purchased or acquired before the passing of the Burial Grounds (Ireland) Act, 1856, it shall be lawful for the Local Government Board, from time to time, on application being made to it, and on being satisfied that the exercise of such right is not injurious to health, to grant a license for the exercise of such right, during such time and subject to such conditions and restrictions as the said board may think fit; but such license shall not prejudice or in anywise affect the authority of any person who if this Act had not been passed might have prohibited or controlled interment under such right, nor dispense with any consent which would have been required under such right, nor otherwise give to such right any greater force or effect than the same would have had if this Act had not been passed. 19 & 20 Vict. c. 98.

169. Where by any such order as aforesaid it is ordered that no new burial ground shall be opened in any city or town or within any limits in such order mentioned, without the previous approval of the Local Government Board, no new burial ground or cemetery shall be provided and used in such city or town or within such limits without such previous approval. New burial grounds not to be opened contrary to order.

170. Where by usage or otherwise any grave, vault, or place of interment in any burial ground or cemetery has been the burying place of and used as such by any family, no corpse of any person not having been a member of such family shall be buried in such grave, vault, or place of interment without the consent in writing of some immediate relative of the member of such family last interred therein; and if any person shall knowingly act or assist in any burial contrary to the provisions of this section, every such person shall be liable, on summary conviction before a court of summary jurisdiction, to a penalty not exceeding ten pounds; and upon any complaint made under this section it shall be lawful for the court to make such order for the exhumation and re-interment of such corpse so buried as to such court shall seem fit. No corpse to be buried in private grave without consent.

171. No animal of any description shall be allowed to graze or to be within the limits of any burial ground having a sufficient fence; and it shall be lawful for a court of summary jurisdiction to order the owners of any animal or animals so found within such burial ground to pay as a fine a sum not exceeding two shillings and not less than one shilling for each animal so found as aforesaid, and to levy and dispose of said fine in the same manner as fines for trespass of cattle are now levied and disposed of under the provisions of the law at present in force in Ireland. No animal to be allowed to graze in burial places.

172. In any district in which no burial ground has been closed the clerk to the burial board shall, on the requisition in writing of ten or more persons assessed for the relief of the poor in such burial board district, or upon the requisition in writing of any two or more members of the burial board, convene a special meeting of the burial board for determining whether a burial ground shall be provided under this Act for the burial board district or any part thereof; and if a majority of such meeting shall resolve that a burial ground shall be provided under this Act, such new burial Upon requisition, meeting of board to be convened to determine whether burial ground shall be provided.

ground shall be provided, in the same manner as if an old burial ground had been closed as herein-after directed.

When burial grounds are closed by order, board to provide suitable burial grounds, &c.

173. Whenever any burial ground shall have been closed in any burial board district, by order, the burial board may, if it shall seem necessary or expedient, forthwith proceed to provide a suitable and convenient burial ground in place thereof, and to make arrangements for facilitating interments therein, under the provisions of this Act.

Consent of owners of houses to new burial grounds, where necessary.

174. A burial ground may be provided under this Act, either within or without the limits of the burial board district, and such burial ground shall, for the purposes of this Act, be considered as if the same was within such limits; but no ground not already used as or appropriated for a cemetery shall be appropriated as a burial ground, or as an addition to a burial ground, under this Act, nearer than one hundred yards to any dwelling-house, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Board may purchase land for cemeteries, or contract with cemetery companies.

175. It shall be lawful for the burial board to contract for and purchase or take any lands, and buildings thereon, for the purpose of forming a burial ground, or for making additions to any burial ground formed or purchased under the Burial Grounds Acts or this Act, as such board may think fit, or to purchase from any company or persons entitled thereto any cemetery or cemeteries or part or parts thereof, subject to the rights in vaults and graves and other subsisting rights which may have been previously granted therein: Provided always, that it shall be lawful for such board, in lieu of providing any such burial ground, to contract with any such company or persons entitled as aforesaid for the interment in such cemetery or cemeteries, and either in any allotted part of such cemetery or cemeteries or otherwise, and upon such terms as the burial board may think fit, of the bodies of persons who would have had rights of interment in the burial grounds of such district or place.

Liabilities of old burial grounds transferred to new burial grounds.

176. Where any burial ground is closed under the provisions of the Burial Grounds Acts or this Act, and a new burial ground provided in place thereof, the whole burthen upon and liabilities attaching to the burial ground so closed shall be transferred to and become burthens upon the burial ground provided in place thereof, and the revenues of the new burial ground shall be liable for the same in like manner as the revenues of the burial ground so closed were liable.

Management to be vested in burial boards.

177. The general management, regulation, and control of the burial grounds provided under the Burial Grounds Acts or this Act shall, subject to the provisions of this Act and the regulations to be made thereunder, be vested in and exercised by the respective burial boards providing the same: Provided always, that any question which shall arise touching the fitness of any monumental inscription placed or proposed to be placed in any part or portion of such grounds shall be determined by the proper ministers of the religious denomination to which such part or portion shall have been allotted: Provided also, that at the burials of the bodies of members of any church or religious denomination, burial service according to the respective rites of such church or denomination may be performed or celebrated by the proper ministers of such church or denomination.

Boards may sell exclusive rights of burial, and rights to erect monuments, &c.

178. Any burial board, under such restrictions and conditions as they think proper, may sell the exclusive right of burial, either in perpetuity or for a limited period, in such parts of any burial ground provided by such board as may be appropriated to that purpose, and also the right of constructing any chapel, vault, or place of burial, with the exclusive right of burial therein, in perpetuity or for a limited period, and also the right of erecting and placing any monument, gravestone, tablet, or monumental inscription in such burial ground, subject to the provisions herein-before contained: Provided always, that such exclusive rights shall not extend in all to a space of one half of such burial ground.

Boards may make arrangements for facilitating the conveyance of bodies to burial grounds.

179. Any burial board may make such arrangements as they may from time to time think fit for regulating and facilitating the conveyance of the bodies of the dead from the place of death to any burial ground subject to the provisions of this Act and subject thereto and to the regulations to be made thereunder; and it shall be lawful for any of the aforesaid cemetery companies from whom the burial board shall have made any such purchase, or with whom the burial board shall have made any such contract as herein-before provided, to undertake any such arrangement, and to carry the same into effect subject to the provisions and regulations aforesaid.

Places may be provided for reception bodies until interment.

180. It shall be lawful for any burial board, subject to the provisions of this Act and the regulations to be made thereunder, to hire, take, or lease, or otherwise to provide, fit and proper places in which bodies may be received and taken care of previously to interment, and to make arrangements for the reception and care of the bodies to be deposited therein; and for providing such places such boards may exercise all the powers vested in them under this Act for providing burial grounds.

Local Government Board may make regulations as to burial grounds, &c.

181. It shall be lawful for the Local Government Board from time to time to make such rules and regulations in relation to the burial grounds and places of reception of bodies previous to interment under this Act as may seem proper for the protection of the public health and the maintenance of public decency, and for the proper registry of interments, and to provide for the imposition and recovery of penalties, not exceeding ten pounds for each offence, for the breach or non-observance of such regulations; and the burial boards, and all other persons having the care of such burial grounds and places for the reception of bodies, shall conform to and obey such regulations.

Exemption of burials from toll.

182. No funeral procession, or carriage in such procession, and no foot passenger, shall, while going to or returning from the place of interment on the occasion of any interment, be liable to any toll or pontage.

Board may lay out and embellish burial ground.

183. It shall be lawful for any burial board to enclose, lay out, and embellish any burial ground, subject to the jurisdiction of such board, in such manner as may be fitting or proper: Provided always, that in all cases in which a burial board shall provide a new burial ground under this Act, it shall be lawful for such burial board, with the sanction of the Local Government Board, to divide such new burial ground or some part thereof into certain parts and proportions, to be allotted in such manner as to the Local Government

Board shall seem fit, for the burial of the members of any particular religious denomination; and each such allotment shall, as the case may require, be consecrated according to the rites and by the proper ministers of the respective religious denominations for which each such allotment is so set apart.

Provisions of Act extended to additions to existing burial grounds.

184. It shall be lawful for any burial board to contract for and purchase any lands, and buildings thereon, for the purpose of making additions to any burial ground, although such burial ground shall not have been formed or purchased under the authority of this Act or any other Act of Parliament, provided that such burial ground is not attached or contiguous to any church or chapel or place of worship actually used for divine worship, nor is situate in a private demesne; and such burial board shall have and may exercise, with respect to the acquisition and management of such additions, all the powers and authorities and be subject to all the provisions contained in this Act with respect to the acquisition and management of new burial grounds.

When burial ground not fenced or kept in decent order by owner, burial board may serve a notice requiring the same to be fenced, &c.

185. When any burial ground not being attached or contiguous to any such church, chapel, or place of worship, nor situate as aforesaid, is without any sufficient fence, or is not kept in decent order, the burial board for the district within which such burial ground shall be situated may, by notice in writing to the owner of such burial ground, require him properly to fence the same or put the same in decent order within a time to be specified in such notice, not being less than six calendar months, and if such notice be not complied with within the time specified in such notice, the said burial board may securely fence such burial ground, and put the same into decent order, and the expense thereof shall be deemed part of the expenses incurred by the burial board in the execution of this Act; and whenever it shall be necessary for obtaining convenient access for the purposes aforesaid, the said owner, or the burial board, and all persons authorised by them, may for the purpose of such access enter upon any lands adjoining the burial ground, doing no unnecessary damage, and any person injured by such entry shall be compensated in the manner provided by this Act in that behalf: Provided always, that if any dispute shall arise between the burial board and the owners as to the necessity of such notice, or the sufficiency of his compliance with the same, or upon any ground connected with the work so required to be done, such dispute shall be referred to the Local Government Board, whose decision shall be final.

After six months from service of notice, &c. burial board empowered to fence burial ground, and keep the same in order, and take the management.

186. When such owner cannot be ascertained, or notice as aforesaid cannot be served, such burial board may give notice, by public advertisement in some newspaper circulating in the county wherein such burial ground is situated, of their intention to fence such burial ground, or put the same in decent order, as the case may be, and after the expiration of a time to be specified in such notice, not being less than six calendar months, may proceed to fence such burial ground, or put the same in decent order; and when such notice shall have been given or advertisement published and the expense of fencing of such burial ground or putting the same in decent order shall have been defrayed by such burial board, as herein-before mentioned, such burial ground shall be under the

control and management of such burial board, and they shall be deemed the owners thereof until such time as they shall have been reimbursed by the owner thereof the expense so incurred by them, with interest thereon at the rate of five pounds per centum per annum.

Burial boards may accept the management of burial grounds.

187. When the owner of any burial ground shall be desirous of putting the same under the management of the burial board of the district, it shall be lawful for such burial board to accept the management thereof, and thereupon the said burial board shall be deemed the owners thereof, and shall have and exercise all the powers and authorities of this Act, with respect to the same, until the owner, his heirs or assigns, shall repay to the said burial board all expenses incurred by them in securely fencing such burial ground or putting the same into decent order, with interest thereon at the rate of five pounds per centum per annum.

Board to fix payments for interments in burial grounds.

188. Every burial board under this Act may, subject to the approval of the Local Government Board, fix and receive such fees and payments in respect of interments in any burial ground provided by such board as they shall think fit, and from time to time revise and alter such fees and payments; and a table showing such fees and payments shall be printed and published, and shall be affixed and at all times continued on some conspicuous part of such burial ground.

Minutes of proceedings of board to be entered in a book. Board to keep accounts, which shall be open to inspection.

189. Minutes of all proceedings of the burial board under this Act, with the names of the members who attend each meeting, shall be kept; and the burial board shall provide and keep books in which shall be entered true and regular accounts of all sums of money received and paid by such board for or on account of the purposes of this Act, and of all liabilities incurred by them for such purposes, and of the several purposes for which such sums of money are paid and such liabilities incurred; and all such books shall at all reasonable times be open to the examination of every member of the burial board and of every person liable to pay poor rates in respect of property within the district, without fee, who may take copies of or extracts from such books, or any part thereof, without paying for the same.

Board may appoint and remove officers, &c.

10 & 11 Vict. c. 16.

190. A burial board may appoint and may remove at pleasure a clerk and such other officers and servants as shall be necessary for the business of the board in respect of or for the purposes of their burial ground, and may appoint reasonable salaries, wages, and allowances for such clerk, officers, and servants, and, when necessary, may hire a sufficient office for transacting the business of such burial board; and the provisions and clauses of the Commissioners Clauses Act, 1847, with respect to the "appointment and accountability of "the officers of the commissioners," shall, so far as the same are not varied by or inconsistent with the provisions of this Act, be incorporated therewith; and the commissioners in the said Act shall signify the "burial board" under this Act.

Register of burials in every ground provided under this Act to be kept by burial board.

191. All burials within any burial ground provided under this Act shall be registered in a register book to be provided by the burial board providing such ground, and kept for that purpose; and such register book shall be so kept by some officer appointed by the said board to do that duty; and in such register book shall

be distinguished in what parts of the burial ground the several bodies (the burials of which are entered in such register book) are buried; and such register book, or copies or extracts thereof, or any document purporting to be a copy or extract thereof, shall be received in all courts as evidence of the burials entered therein. The clerk or secretary, or registrar to every burial board and cemetery company, or other authority having charge of any burial ground, shall make or cause to be made, at such times and in such manner as the Local Government Board may direct, a return of the names, addresses, dates of death and causes of death, so far as ascertained by him, of the persons whose bodies have been interred in such burial ground to the registrar of the district in which such persons resided at the dates of their deaths respectively, and such clerk, secretary, or registrar of each such cemetery company shall be paid therefor by the sanitary authority during the period he is required to perform such duty such sum as the Local Government Board may direct, not being more than threepence for each separate entry of death.

Guardians or council may appropriate lands for purposes of Act.

192. Subject to the provisions of this Act, it shall be lawful for the guardians of any union or the council of any borough to appropriate for the purposes of burial grounds under this Act any land belonging to the board of guardians of such union or to the body corporate of such borough respectively, or vested in any trustees, or others for the general benefit of the union or borough respectively, or any specific charity: Provided always, that when any land so appropriated shall be subject to any charitable use such land shall be taken on such conditions only as the Court of Chancery, in the exercise of its jurisdiction over charitable trusts, shall appoint and direct.

Certain provisions of 10 & 11 Vict. c. 65. incorporated with this Act.

193. The provisions of the Cemeteries Clauses Act, 1847, with respect to the protection of the cemetery, shall be incorporated with this Act, and be applicable to any burial ground under this Act; and the words "the Company" in the Cemeteries Clauses Act, 1847, shall signify the "burial board" under this Act.

Assessment to local rates not to be increased after purchase for the purposes of this or any former Act.

194. No land already or hereafter to be purchased or acquired under the provisions of this Act for the purpose of a burial ground (with or without any building erected or to be erected thereon) shall, while used for such purposes, be assessed to any grand jury cess, poor's rates, or other local rates, at a higher value or more improved rent than the value or rent at which the same was assessed at the time of such purchase or acquisition.

Burial board may let land not required for burials.

195. It shall be lawful for any burial board, with the sanction of the Local Government Board, and subject to regulations approved of by the said board, to let any land purchased by and vested in them under this Act, and which has not been consecrated, and in which no body has been at any time interred, and which is not for the time being required for the purposes of a burial ground, in such manner and on such terms as such board may see fit, but so, nevertheless, that power shall be reserved to such board to resume any such land which may be required for the purposes aforesaid, upon giving six months notice.

Burial board to keep in order

196. In every case in which any order has been or shall hereafter be issued for the discontinuance of burials in any church-

yard or burial ground not vested in any other person or persons, the burial board shall maintain such churchyard or burial ground in decent order, and also do the necessary repair of the walls and other fences thereof; and any costs and expenses incurred in so doing shall be deemed to be expenses of the burial board, and shall be defrayed accordingly, unless there shall be some other fund legally chargeable with such costs and expenses. closed burial grounds, &c.

197. Whereas the grand juries of the county and city of Waterford, acting under the Act of the fortieth year of King George the Third, chapter ninety-three, purchased a piece of ground situate in the townland of Ballynasheagh, in the barony of Gaultier in the county of Waterford, for the purpose of a cemetery, in lieu of the ancient burial places of the six several parishes of Trinity Within, Saint Michael, Saint Stephen Within, Saint Olave, Saint John Within, and Saint Patrick, in the borough of Waterford, and of the three parishes of Trinity Without, Saint John Without, and Saint Stephen Without, partly in the borough and partly in the county of Waterford, and of the two parishes of Kilbarry and Kil Saint Laurence in the county of Waterford: And whereas the said eleven parishes are all situate within the Poor Law Union of Waterford, and it has been provided by statute that the said piece of ground should be used as a burial ground for all the said parishes as if all the said parishes were situate without the limits of the said borough of Waterford, and as if the said piece of ground had been provided as the burial ground under the Burial Grounds Acts for the said several parishes; and that the said piece of ground should, without further conveyance, be vested in the guardians of the poor of the Waterford Union as the burial board, and for the use of all the district at present comprised in the said eleven parishes, subject to all the powers and regulations contained relative to burial grounds, and as if the same had been purchased and acquired under the said Acts: Be it enacted that, unless the said piece of ground shall be discontinued as a burial ground by the Local Government Board under the provisions of this Act, all the said parishes and portions of parishes situate in the borough of Waterford shall, for the purposes of this part of this Act, be considered as if the same were without the limits of the said borough of Waterford. Burial ground already provided by the county and city of Waterford.

198. Whereas the mayor, aldermen, and burgesses of the borough of Limerick have, with the consent and approbation of the Commissioners of Her Majesty's Treasury, executed a lease of a certain plot of ground situate at Gortuemanagh in the barony of Clanwilliam and county of Limerick (which plot of ground is part of the property of the said corporation of Limerick, but is not situate within the limits or boundaries of the borough of Limerick,) unto certain parties for the term of two thousand years, at a certain yearly rent, for the purpose of the same being used as a cemetery or burial ground: Be it enacted, that for the purposes of this part of this Act the said plot of ground shall be deemed and taken to be within the limits or boundaries of the said borough of Limerick. Certain plot of ground to be deemed to be within the limits of the borough of Limerick.

199. The provisions of this part of this Act shall not apply to any private and exclusive family mausoleum or burial place not being within the limits of any public burial ground. Not to apply to private mausoleums.

PART IV.

GENERAL PROVISIONS.

Contracts.

Power of sanitary authorities to contract.

200. Any sanitary authority may enter into any contracts necessary for carrying this Act into execution.

Provisions as to contracts by sanitary authority.

201. With respect to contracts made by a sanitary authority under this Act, the following regulations shall be observed; (namely,)

(1.) Every contract made by a sanitary authority whereof the value or amount exceeds fifty pounds shall be in writing and sealed with the common seal of such authority:

(2.) Every such contract shall specify the work, materials, matters, or things to be furnished, had, or done, the price to be paid, and the time or times within which the contract is to be performed, and shall specify some pecuniary penalty to be paid in case the terms of the contract are not duly performed:

(3.) Before contracting for the execution of any works under the provisions of this Act, a sanitary authority shall obtain from a competent person an estimate in writing, as well of the probable expense of executing the work in a substantial manner as of the annual expense of repairing the same; also a report as to the most advantageous mode of contracting, that is to say, whether by contracting only for the execution of the work, or for executing and also maintaining the same in repair during a term of years or otherwise:

(4.) Before any contract of the value or amount of one hundred pounds or upwards is entered into by a sanitary authority ten days public notice, by advertisement or otherwise, at the least shall be given, expressing the nature and purpose thereof and inviting tenders for the execution of the same; and such authority shall require and take sufficient security for the due performance of the same:

(5.) Every contract entered into by a sanitary authority in conformity with the provisions of this section, and duly executed by the other parties thereto, shall be binding on the authority by whom the same is executed, and their successors, and on all other parties thereto, and their executors, administrators, successors, or assigns, to all intents and purposes: Provided that a sanitary authority may compound with any contractor or other person in respect of any penalty incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty is mentioned in any such contract, or in any bond or otherwise, for such sums of money or other recompense as to such authority may seem proper.

Purchase of Lands.

Power to purchase lands.

202. Any sanitary authority may for the purposes and subject to the provisions of this Act purchase or take on lease, sell, or exchange

any lands, whether situated within or without their district; they may also buy up any water-mill, dam, or weir which interferes with the proper drainage of or the supply of water to their district; and may, for the purpose of supplying their district with water for drinking and domestic purposes, purchase either within or without their district any land covered with water or any water or right to take or convey water.

Any lands acquired by a sanitary authority in pursuance of any powers in this Act contained and not required for the purpose for which they were acquired shall, except where otherwise expressly provided by this Act (unless the Local Government Board otherwise direct), be sold at the best price that can be gotten for the same, and the proceeds of such sale shall be applied towards the discharge of any principal moneys which have been borrowed by such authority on the security of the fund or rate applicable by them for the general purposes of this Act, or if no such principal moneys are outstanding shall be carried to the account of such fund or rate.

Regulations as to purchase of land.

203. With respect to the purchase of lands, or of any of the other properties aforesaid (herein included under the term "lands"), by a sanitary authority for the purposes of this Act, the following regulations shall be observed; (that is to say,)

(1.) The Lands Clauses Acts shall be incorporated with this Act, except the provisions relating to access to the special Act, and except section one hundred and twenty-seven of the Lands Clauses Consolidation Act, 1845:

8 & 9 Vict. c. 18. s. 127.

(2.) The sanitary authority, before putting in force any of the powers of the said Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, shall

Publish once at the least in each of three consecutive weeks in the month of November, in some newspaper or newspapers circulating in their district, an advertisement describing shortly the purposes in respect of which the lands are proposed to be taken, naming a place where a plan of the proposed undertaking may be seen at all reasonable hours, and stating the denominations and quantity of lands that they require; and shall further

Serve a notice in the month of December on every owner or reputed owner, lessee or reputed lessee, and occupier of such lands, defining in each case the particular lands intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of the taking such lands:

(3.) On compliance with the provisions of this section with respect to advertisements and notices, and not sooner than fourteen days after the service of the last-mentioned notices, the sanitary authority may, if they think fit, present a petition under their seal to the Local Government Board. The petition shall state the lands intended to be taken, and the purposes for which they are required, and the names of the owners, lessees, and occupiers of lands

who have assented, dissented, or are neuter in respect of the taking such lands, or who have returned no answer to the notice; it shall pray that the sanitary authority may, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and such prayer shall be supported by such evidence as the Local Government Board requires:

(4.) On the receipt of such petition, and on due proof of the proper advertisements having been published, and notices served, the Local Government Board shall take such petition into consideration, and may either dismiss the same, or direct a local inquiry as to the propriety of assenting to the prayer of such petition; but until such inquiry has been made no provisional order shall be made affecting any lands without the consent of the owners, lessees, and occupiers thereof:

(5.) After the completion of such inquiry the Local Government Board may, by provisional order, empower the sanitary authority to put in force, with reference to the lands referred to in such order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement or any of them, and either absolutely or with such conditions and modifications as the Board may think fit, and it shall be the duty of the sanitary authority to serve a copy of any order so made in the manner and on the person in which and on whom notices in respect of such lands are required to be served:

Provided that the notices by this section required to be given in the months of November and December may be given in the months of September and October, or of October and November, but in either of such last-mentioned cases an inquiry preliminary to the provisional order to which such notices refer shall not be held until the expiration of one month from the last day of the second of the two months in which the notices are given; and any notices or orders by this section required to be served on a number of persons having any right in, over, or on lands in common, may be served on any three or more of such persons on behalf of all such persons.

Power to let lands.

204. Any sanitary authority may, subject to the provisions of this Act, with the consent of the Local Government Board, let for any term any lands which they may possess, as and when they can conveniently spare the same.

POWERS OF BOARD IN RELATION TO LOCAL ACTS, &C.

Power to repeal and alter Local Acts.

205. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order, wholly or partially repeal, alter, or amend any Local Act, other than an Act for the conservancy of rivers which is in force in any area comprising the whole or part of any such district, and not conferring powers or privileges on any persons or person for their or his own pecuniary benefit, which relates to the same subject matters as this Act.

Any such provisional order may provide for the extension of the provisions of the Local Act referred to therein beyond the district or districts within the limits of such Act, or for the exclusion of the whole or a portion of any such district from the application of such Act; and may provide what sanitary authority shall have jurisdiction for the purposes of this Act in any area which is by such order included in or excluded from such district.

Transfer of powers of grand jury.

206. The Local Government Board may, on the application of the urban sanitary authority of any urban district, by a provisional order, transfer from the grand jury or grand juries of the county or counties within which such district is situate to such sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within such district, vested in such grand jury or grand juries under any Act or Acts; and prevent such grand jury or grand juries, after such transfer, from making any presentment with regard to any road, bridge, footpath, or other public work within such district; and provide for the due payment of the balance of the grand jury cess to which such district will then, in future, be liable; and may make such provisions for the fixing and payment of the amount of any contribution to the cost of the making and maintaining of roads, bridges, and footpaths in the barony or baronies surrounding or adjoining such district as the Local Government Board may think reasonable; and may make provisions for securing that such district shall be adequately represented at the presentment sessions of such barony or baronies; and may authorise the making and levying of further rates in addition to and in excess of the maximum amount of rates authorised to be made and levied by the sanitary authority of such district to enable them to defray the expenses consequent upon and incident to such transfer from the grand jury, when the maximum amount of rates authorised is insufficient to defray such expenses as aforesaid:

Provided that no such provisional order shall be granted unless a previous application has been made to the grand jury or grand juries affected thereby, and unless such grand jury or grand juries shall consent to the making of such provisional order, such consent being testified by a presentment or presentments to that effect; or unless, notwithstanding such grand jury or grand juries shall not have so consented, the Local Government Board shall, on special grounds, think fit to make such provisional order, but in every such last-mentioned case the Local Government Board shall make a special report to Parliament, stating the grounds on which they have made such provisional order.

Transfer of burial grounds.

207. The Local Government Board may, on the application of any sanitary authority acting as a burial board, by a provisional order, transfer any burial ground to which this Act applies from any burial board to any other burial board, and provide for the rights of all persons interested therein, and for the discharge of any liabilities and the adjustment of any claims affecting the same, and may make all such other provisions as may be proper for carrying such transfer into effect.

Powers of inspectors of

208. Inspectors of the Local Government Board may attend any meetings of sanitary authorities, or of committees of sanitary

Local Government Board.

authorities, during the transaction of business arising under any of the provisions of this Act.

Power of Board to direct inquiries.

209. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval, or consent is required by this Act.

Orders as to cost of inquiries.

210. The Local Government Board may make orders as to the cost of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law on the application of any person named therein.

Proceedings on complaint to Board of default of sanitary authority.

211. Where complaint is made to the Local Government Board that a sanitary authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a sanitary authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that such authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If default is made to obey such order and to perform such duty by the time limited in the order, such order may, in the case of an urban authority, be enforced by writ of Mandamus, and in the case of a rural authority making such default as is last mentioned, such rural authority shall be deemed to have made default in the execution of their duties as a board of poor law guardians under the Poor Law Acts, and thereupon it shall be lawful for the Local Government Board to dissolve them as such board and to provide for the execution of their duties under the Poor Law Acts and this Act in manner prescribed by the Poor Law Acts in the case of the dissolution of boards of guardians of poor law unions.

Orders of Board under this Act.

212. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

Powers of inspectors of Local Government Board.

213. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those conferred upon Poor Law inspectors by the Poor Law Acts.

PROVISIONAL ORDERS BY BOARD.

As to provisional orders made by Local Government Board.

214. With respect to provisional orders authorised to be made by the Local Government Board under this Act, the following provisions shall apply:

(1.) The Local Government Board shall not make any provisional order under this Act unless public notice of the purport of

the proposed order has been previously given by advertisement in two successive weeks in some newspaper or newspapers circulating in the district or districts to which such provisional order relates:

(2.) Before making any such provisional order, the Local Government Board shall consider any objections which may be made thereto by any persons affected thereby, and in cases where the subject matter is one to which a local inquiry is applicable, shall cause to be made a local inquiry, of which public notice shall be given in manner aforesaid, and at which all persons interested shall be permitted to attend and make objections:

(3.) The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such order shall be of no force whatever unless and until it is confirmed by Parliament:

(4.) If while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against any order comprised therein, the Bill, so far as it relates to such order, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of private bills:

(5.) Any Act confirming any provisional order made in pursuance of any of the Sanitary Acts or of this Act, and any Order in Council made in pursuance of any of the Sanitary Acts, may be repealed, altered, or amended by any provisional order made by the Local Government Board and confirmed by Parliament:

(6.) The Local Government Board may revoke, either wholly or partially, any provisional order made by them before the same is confirmed by Parliament, but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament:

(7.) The making of a provisional order shall be primâ facie evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have beem complied with:

(8.) Every Act confirming any such provisional order shall be deemed to be a public general Act.

Costs of provisional orders.

215. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for purposes of this Act by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Local Government Board, the sanitary authority may contract a loan for the purpose of defraying such costs.

ARBITRATION.

Mode of reference to arbitration.

216. In case of dispute as to the amount of any compensation to be made under the provisions of this Act (except where the mode

of determining the same is specially provided for), and in case of any matter which by this Act is authorised or directed to be settled by arbitration, then, unless both parties concur in the appointment of a single arbitrator, each party shall appoint an arbitrator to whom the matter shall be referred.

Regulations as to arbitration.

217. With respect to arbitrations under this Act, the following regulations shall be observed; (that is to say,)

(1.) Every appointment of an arbitrator under this Act when made on behalf of the sanitary authority shall be under their common seal, and on behalf of any other party under his hand, or if such party be a corporation aggregate under their common seal:

(2.) Every such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration by the parties making the same:

(3.) After the making of any such appointment the same shall not be revoked without the consent of both parties, nor shall the death of either party operate as a revocation:

(4.) If for the space of fourteen days after any matter by this Act authorised or directed to be settled by arbitration has arisen, and notice in writing by one party who has duly appointed an arbitrator has been given to the other party, stating the matter to be referred, and accompanied by a copy of such appointment, the party to whom notice is given fails to appoint an arbitrator, the arbitrator appointed by the party giving the notice shall be deemed to be appointed by and shall act on behalf of both parties:

(5.) If before the determination of any matter so referred any arbitrator dies or refuses or becomes incapable to act, the party by whom such arbitrator was appointed may appoint in writing another person in his stead; and if such party fails so to do for the space of seven days after notice in writing from the other party in that behalf, the remaining arbitrator may proceed ex parte; and every arbitrator so appointed shall have the same powers and authorities as were vested in the arbitrator in whose stead the appointment is made:

(6.) If a single arbitrator dies or becomes incapable to act before the making of his award, or fails to make his award within twenty-one days after his appointment, or within such extended time, if any, as may have been duly appointed by him for that purpose, the matters referred to him shall be again referred to arbitration under the provisions of this Act, as if no former reference had been made:

(7.) Where there is more than one arbitrator, the arbitrators shall, before they enter on the reference, appoint by writing under their hands an umpire, and if the person appointed to be umpire dies or becomes incapable to act, the arbitrators shall forthwith appoint another person in his stead; and if the arbitrators neglect or refuse to appoint an umpire for seven days after being requested so to do by any party to the arbitration, the Local Government

Board shall, on the application of any such party, appoint an umpire:

(8.) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been duly appointed by them for that purpose, the matters referred shall be determined by the umpire:

(9.) The time for making an award by arbitrators under this Act shall not in any case be extended beyond the period of two months from the date of the submission, and the time for making an award by an umpire under this Act shall not in any case be extended beyond the period of two months from the date of the reference of the matters to him:

(10.) Before any arbitrator or umpire enters on a reference under this Act he shall make and subscribe the following declaration before a justice of the peace; (that is to say,)

'I *A.B.* do solemnly and sincerely declare that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the Public Health (Ireland) Act, 1878.

'*A.B.*'

(11.) Such declaration shall be annexed to the award when made; and any arbitrator or umpire who wilfully acts contrary to such declaration shall be guilty of a misdemeanour:

(12.) Any arbitrator, arbitrators, or umpire appointed by virtue of this Act may require the production of such documents in the possession or power of either party as he or they or he may think necessary for determining the matters referred, and may examine the parties or their witnesses on oath:

(13.) The costs of and consequent upon the reference shall be in the discretion of the arbitrator or arbitrators, or (in case the matters referred are determined by an umpire) of the umpire:

(14.) Any submission to arbitration under the provisions of this Act may be made a rule of any of the superior courts, on the application of any party thereto:

(15.) The award of arbitrators or of an umpire under this Act shall be final and binding on all parties to the reference.

Claims under 20*l.* may be referred to court of summary jurisdiction.

218. All questions referable to arbitration under this Act may, when the amount in dispute is less than twenty pounds, be determined at the option of either party before a court of summary jurisdiction, but the court may, if it thinks fit, require that any work in respect of which the claim of the sanitary authority is made and the particulars of the claim be reported on to them by any competent surveyor, not being the surveyor of the sanitary authority; and the court may determine the amount of costs incurred in that behalf, and by whom such costs or any part of them shall be paid.

Byelaws.

Authentication and alteration of byelaws.

219. All byelaws made by a sanitary authority under and for the purposes of this Act shall be under their common seal; and

any such byelaw may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act: Provided that no byelaw made under this Act by a sanitary authority shall be of any effect if repugnant to the laws of Ireland or to the provisions of this Act.

Power to impose penalties on breach of byelaws.

220. Any sanitary authority may, by any byelaws made by them under this Act, impose on offenders against the same such reasonable penalties as they think fit, not exceeding the sum of five pounds for each offence, and in the case of a continuing offence a further penalty not exceeding forty shillings for each day after written notice of the offence from the sanitary authority; but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Nothing in the provisions of any Act incorporated herewith shall authorise the imposition or recovery under any byelaws made in pursuance of such provisions of any greater penalty than the penalties in this section specified.

Confirmation of byelaws.

221. Byelaws made by a sanitary authority under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same as it may think proper; nor shall any such byelaws be confirmed—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulating within the district to which such byelaws relate, one month at least before the making of such application; and

Unless for one month at least before any such application a copy of the proposed byelaws has been kept at the office of the sanitary authority, and has been open during office hours thereat to the inspection of the ratepayers of the district to which such byelaws relate, without fee or reward.

The clerk of the sanitary authority shall, on the application of any such ratepayer, furnish him with a copy of such proposed byelaws or any part thereof, on payment of sixpence for every hundred words contained in such copy.

A byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Byelaws to be printed, &c.

222. All byelaws made by a sanitary authority under this Act, or for purposes the same as or similar to those of this Act under any local Act, shall be printed and hung up in the office of such authority; and a copy thereof shall be delivered to any ratepayer of the district to which such byelaws relate, on his application for the same, and on payment of a sum not exceeding one shilling, to be fixed by the sanitary authority.

Evidence of byelaws.

223. A copy of any byelaws made under this Act by a sanitary authority, signed and certified by the clerk of such authority to be a true copy and to have been duly confirmed, shall be evidence until the contrary is proved in all legal proceedings of the due making, confirmation, and existence of such byelaws without further or other proof.

Byelaws made under s. 125. of 3 & 4 Vict.

224. Byelaws made by the council of any borough under the provisions of section one hundred and twenty-five of the Act of

session of the third and fourth years of Her present Majesty, chapter one hundred and eight, for the prevention and suppression of certain nuisances, shall not be required to be sent to the Lord Lieutenant, nor shall they be subject to the disallowance in that section mentioned; but all the provisions of this Act relating to byelaws shall apply to the byelaws so made as if they were made under this Act.

c. 108. to be submitted to Local Government Board.

225. The provisions of this Act relating to byelaws shall not apply to any regulations which a sanitary authority is by this Act authorised to make; nevertheless, any sanitary authority may cause any regulations made by them under this Act to be published in such manner as they see fit.

As to regulations of sanitary authority.

PART V.

FINANCIAL.

Expenses of Urban Authority.

226. All expenses incurred or payable by an urban sanitary authority in the execution of this Act and not otherwise provided for shall be defrayed as follows; that is to say,

Expenses of urban sanitary authority.

(1.) In the case of the council of a borough, out of the borough fund or borough rate:

(2.) In the case of an urban sanitary authority being commissioners under any of the Acts specified in the first column of the table contained in section four of this Act, or under any Local Act, out of any rate leviable by them as such commissioners throughout the whole of their district:

Provided that, where any such rate shall be made and levied by any corporation, commissioners, or persons becoming, at any time after the passing of this Act, an urban sanitary authority, all lands used as arable, meadow, or pasture ground only, or as woodlands, or market gardens, or nursery grounds, and all lands covered with water and used as a canal, and any towing-path to the same, and all lands used as a railway constructed under the powers of any Act of Parliament for public conveyance, shall be assessed and liable in the proportion of one-fourth part only of the net annual value of such lands respectively:

Provided also, that where an urban sanitary authority had before the passing of this Act power to levy throughout the whole of its district a rate or rates for paving, sewering, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under this Act shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable: Provided also, that if application be made to the Local Government Board whereby it shall be alleged that it would be inequitable or inconvenient in the district of any urban sanitary authority that the said expenses should be borne as last aforesaid, the said Board may, after inquiry, by order under seal, alter the incidence of such charge in respect of the whole or such part of the expenditure referred to, as to them shall appear to be fair and equitable. Any urban authority possessed of revenues of any kind not derived from rates

may devote the surplus thereof, after the payment of other sums properly chargeable upon such revenues, to the purposes of this Act.

Statutable limit of rating not to apply to expenses for sanitary purposes.

227. Any limit imposed on or in respect of any rate by any Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by the sanitary authority of any urban sanitary district for sanitary purposes.

Amendment of s. 60. of 17 & 18 Vict. c. 103.

228. Where in any town in which the Towns Improvement (Ireland) Act, 1854, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not exceed the rate of two shillings in the pound.

PRIVATE IMPROVEMENT EXPENSES.

Power to make private improvement rates.

229. Whenever an urban authority have incurred or become liable to any expenses which by this Act are or by such authority may be declared to be private improvement expenses, such authority may, if they think fit, make and levy on the occupier of the premises in respect of which the expenses have been incurred, in addition to all other rates, a rate or rates to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds per centum per annum, in such period not exceeding thirty years as the urban authority may in each case determine.

Provided that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge on and be paid by the owner for the time being of the premises so long as the same continue to be unoccupied.

Proportion of private improvement rate may be deducted from rent.

230. Where the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rackrent, he shall be entitled to deduct three fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he hold at a rent less than the rackrent he shall be entitled to deduct from the rent so payable by him such proportion of three fourths of the rate as his rent bears to the rackrent; and if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof.

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of private improvement rates.

231. At any time before the expiration of the period for which any private improvement rate is made, the owner or occupier of the premises assessed thereto may redeem the same, by paying to the urban authority the expenses in respect of which the rate was made, or such part thereof as may not have been defrayed by sums already levied in respect of the same:

Provided that money paid in redemption of any private improvement rate shall not be applied by the urban authority otherwise than in defraying expenses incurred by them in works of private improvement or in discharging the principal of any moneys borrowed by them to meet those expenses, whether by means of a sinking fund or otherwise.

Expenses of Rural Authority.

Expenses of rural sanitary authority.

232. The expenses incurred by a rural sanitary authority in the execution of this Act shall be divided into general expenses and special expenses.

General expenses, other than those chargeable upon owners and occupiers under this Act, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction, maintenance, and cleansing of sewers in any contributory place within the district, the providing a supply of water to any such place, the providing, repairing, and cleansing public wells, the lighting where duly authorised, the charges or expenses arising out of or incidental to the possession of property transferred to the rural sanitary authority in trust for any district or contributory place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under this Act for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places; and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

Ten or more ratepayers, or any number of persons liable to be rated to one-fifth part of the whole rate, of any contributory place, if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may, after due inquiry, make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof.

Special expenses shall be a separate charge on some contributory place or places.

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say,

(1.) The dispensary district:

(2.) The electoral division:

(3.) The townland:

(4.) Such portions of any townland or townlands as may be determined by the Local Government Board:

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place, or consisting of contributory places, any special expenses shall be chargeable, whether incurred after the passing of this Act or still due in respect of works executed before the passing of this Act.

Mode of raising contributions in rural sanitary district.

233. For the purpose of obtaining payment for special expenses from the several contributory places within its district, the board of guardians, being the rural sanitary authority, shall levy the same as part of the poor rate by a special poundage rate to be added to the poor rate on such contributory places and to be collected therewith and recoverable in the same manner and with the same remedies by the collectors of the poor rate and lodged to the credit of the guardians with the treasurer of the union; and the expenditure thereof shall be brought to account in such form and manner as the Local Government Board shall from time to time by any general order direct; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively; and every person upon whom such special poundage rate shall be levied shall be entitled to make the same deduction from the rent which he may be liable to pay as he would be entitled to make if the same were levied for carrying into execution the laws for the relief of the destitute poor in Ireland; and the person from whom such deduction shall be made shall in like manner be entitled to deduct from any rent paid by him such proportion of the amount so deducted from the rent paid to him as he would be entitled to deduct if the rate were made for the relief of the destitute poor.

EXPENSES OF BURIAL BOARD.

Expenses of burial boards.

234. The expenses incurred by the rural sanitary authority of any district as the burial board of such district in the execution of Part III. of this Act shall be charged on and paid out of the poor rates of the union, or of any electoral division, or of any townland or townlands situate therein, as the Local Government Board shall by order under seal in each case determine; and all moneys borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon, shall be secured upon the rates aforesaid; and the expenses incurred by the urban sanitary authority of any urban sanitary district as a burial board in the execution of Part III. of this Act, or in paying any money borrowed by the burial board of such district before or after the passing of this Act, and any interest thereon shall be charged upon

and paid out of a separate rate to be levied for such purpose within such district; and such urban sanitary authority shall have all such powers for making and levying such rate respectively, and all provisions shall be applicable in respect thereof, as in the case of any borough rate or improvement rate authorised to be made by such urban sanitary authority under the provisions of the respective Acts of Parliament under which such urban sanitary authority are constituted: Provided always, that such rates may be levied wholly or partly in the parishes within such district for which any new burial ground has been provided under the Burial Ground Acts or may be provided under this Act, if the Local Government Board has by any order in that behalf so directed or shall so direct.

Expenses of Joint Board.

Expenses incurred by joint board, how to be defrayed.

235. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being.

Payment of contributions to joint board.

236. For the purpose of obtaining payment from component districts of the sums to be contributed by them, the joint board shall issue its precept to the sanitary authority of each component district stating the sum to be contributed by it, and requiring such authority, within a time limited by the precept, to pay the sums therein mentioned to the joint board or to such person as the joint board may direct.

Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution, in the case of a rural sanitary authority, being deemed to be general expenses.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

Borrowing Powers.

Power to borrow on credit of rates.

237. Any sanitary authority may, with the sanction of the Local Government Board, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by them in the execution of the Sanitary Acts or of this Act, or for the purpose of discharging any loans contracted under the Sanitary Acts or this Act, borrow or re-borrow, and take up at interest, any sums of money necessary for defraying any such costs, charges, and expenses, or for discharging any such loans as aforesaid.

An urban authority may borrow or re-borrow any such sums on the credit of any fund or all or any rates or rate out of which they are authorised to defray expenses incurred by them in the execution of this Act, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to

the persons by or on behalf of whom such sums are advanced any such fund or rates or rate.

A rural authority may borrow or re-borrow any such sums, if applied or intended to be applied to general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if applied or intended to be applied to special expenses of such authority, on the credit of any rate or rates out of which such expenses are payable, and for the purpose of securing the repayment of any sums so borrowed, with interest thereon, they may mortgage to the persons by or on behalf of whom such sums are advanced any such fund, rate or rates.

Regulations as to exercise of borrowing powers.

238. The exercise of the powers of borrowing conferred by this Act shall be subject to the following regulations; (namely,)

(1.) Money shall not be borrowed except for permanent works, (including under this expression any works of which the cost ought in the opinion of the Local Government Board to be spread over a term of years):

(2.) The sum borrowed shall not at any time exceed, with the balances of all the outstanding loans contracted by the sanitary authority under the Sanitary Acts and this Act, in the whole twice the net annual value of the premises assessable within the district in respect of which such money may be borrowed:

(3.) Where the sum proposed to be borrowed with such balances (if any) would exceed the assessable value for one year of such premises, the Local Government Board shall not give their sanction to such loan until one of their inspectors has held a local inquiry and reported to the said Board:

(4.) The money may be borrowed for such time, not exceeding sixty years, as the sanitary authority, with the sanction of the Local Government Board, determine in each case; and, subject as aforesaid, the sanitary authority shall either pay off the moneys so borrowed by equal annual instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund, and accumulate in the way of compound interest by investing the same in the purchase of Exchequer bills or other Government securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned:

(5.) A sanitary authority may at any time apply the whole or any part of a sinking fund set apart under this Act in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund in each year and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied:

(6.) Where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not extend beyond the unexpired portion

of the period for which the original loan was sanctioned, unless with the sanction of the Local Government Board, and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Where any urban authority borrow any money for the purpose of defraying private improvement expenses, or expenses in respect of which they have determined a part only of the district to be liable, it shall be the duty of such authority, as between the ratepayers of the district, to make good, so far as they can, the money so borrowed, as occasion requires, either out of private improvement rates, or out of a rate levied in such part of the district as aforesaid.

Power to borrow on credit of sewage land and plant.

239. Where any sanitary authority are possessed of any land, works, or other property for the purposes of disposal of sewage pursuant to this Act, they may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if they were the absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under this Act; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed three fourths of the purchase money of such lands (but not otherwise), be deemed to be distinct from and in addition to the general borrowing powers conferred on a sanitary authority by this Act. Any sanitary authority may pay out of any rates leviable by them for purposes of this Act any instalments of principal and the interest on any moneys borrowed by such authority in pursuance of this section.

Form of mortgage.

240. Every mortgage authorised to be made under this Act shall be by deed, truly stating the date, consideration, and the time and place of payment, and shall be sealed with the common seal of the sanitary authority, and may be made according to the form contained in the Schedule (B.) to this Act, or to the like effect.

Register of mortgages.

241. There shall be kept at the office of the sanitary authority a register of the mortgages on each rate, and within fourteen days after the date of any mortgage an entry shall be made in the register of the number and date thereof, and of the names and description of the parties thereto, as stated in the deed. Every such register shall be open to public inspection during office hours at the said office, without fee or reward; and any clerk or other person having the custody of the same, refusing to allow such inspection, shall be liable to a penalty not exceeding five pounds.

Transfer of mortgages.

242. Any mortgagee or other person entitled to any mortgage under this Act may transfer his estate and interest therein to any other person by deed duly stamped, truly stating its date and the consideration for the transfer; and such transfers may be according to the form contained in the Schedule (B.) to this Act, or to the like effect.

There shall be kept at the office of the sanitary authority a register of the transfers of mortgage charged on each rate, and

within thirty days after the date of such deed of transfer, if executed within the United Kingdom, or within thirty days after its arrival in the United Kingdom, if executed elsewhere, the same shall be produced to the clerk of the sanitary authority, who shall, on payment of a sum not exceeding five shillings, cause an entry to be made in such register of its date, and of the names and description of the parties thereto, as stated in the transfer; and until such entry is made the sanitary authority shall not be in any manner responsible to the transferee.

On the registration of any transfer the transferee, his executors or administrators, shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby; and any transferee may in like manner transfer his estate and interest in any such mortgage; and no person except the last transferee, his executors or administrators, shall be entitled to release or discharge any such mortgage or any money secured thereby.

If the clerk of the sanitary authority wilfully neglects or refuses to make in the register any entry by this section required to be made, he shall be liable to a penalty not exceeding twenty pounds.

Receiver may be appointed in certain cases.

243. If at the expiration of six months from the time when any principal money or interest has become due on any mortgage of rates made under this Act, and after demand in writing, the same is not paid, the mortgagee or other person entitled thereto may, without prejudice to any other mode of recovery, apply for the appointment of a receiver to a court of summary jurisdiction; and such court may, after hearing the parties, appoint in writing under their hands and seals some person to collect and receive the whole or a competent part of the rates liable to the payment of the principal or interest in respect of which the application is made, until such principal or interest, or both, as the case may be, together with the costs of the application and of collection, are fully paid.

On such appointment being made all such rates, or such competent part thereof as aforesaid, shall be paid to the person appointed, and when so paid shall be so much money received by or to the use of the mortgagee or mortgagees of such rates, and shall be rateably apportioned between them:

Provided that no such application shall be entertained unless the sum or sums due and owing to the applicant amount to one thousand pounds, or unless a joint application is made by two or more mortgagees or other persons to whom there may be due, after such lapse of time and demand as last aforesaid, moneys collectively amounting to that sum.

Rentcharge may be granted in respect of advances made for private improvements.

244. Where any person has advanced money for any expenses which by this Act are, or by the sanitary authority may be, declared to be private improvement expenses, the sanitary authority, on being satisfied by the report of a competent person or otherwise that the money advanced by such person has been duly expended, may issue a grant in the form in the Schedule (B.) to this Act to such person of a yearly rentcharge issuable out of the premises, in respect whereof such advance has been made, or out of such part thereof, to be specified in such grant, as the sanitary authority may think proper and sufficient.

Such rentcharge shall be personal estate, and shall begin to accrue from the day of completion of the works on which the money advanced has been expended, and shall be payable by equal half-yearly payments during a term not exceeding thirty years, in such manner that the whole of the sum advanced, with the costs of preparing the said grant, together with interest thereon respectively, at a rate not exceeding six pounds per centum per annum on the sum from time to time remaining unpaid, shall be repaid at the end of the said term.

The provisions of this Act with respect to deduction from the rent of a proportion of private improvement rates, and with respect to redemption of private improvement rates, shall, mutatis mutandis, apply to rentcharges granted under this section.

Rentcharges may be registered.

245. Rentcharges issued in pursuance of this Act, and transfers thereof, shall be registered in the same manner respectively as mortgages and transfers are required to be registered under the provisions of this Act.

Power of Commissioners of Public Works to lend to sanitary authority on recommendation of Local Government Board.

246. The Commissioners of Public Works in Ireland may, with the consent of the Commissioners of Her Majesty's Treasury, on the application of any sanitary authority and on the recommendation of the Local Government Board, make any loan to such authority in pursuance of any powers of borrowing conferred by this Act, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of this Act, and without requiring any further or other security, such loan to be repaid within a period not exceeding fifty years, and to bear interest at the rate of three and a half per centum per annum, or such other rate as may, in the judgment of the Commissioners of Her Majesty's Treasury, be necessary, in order to enable the loan to be made without loss to the Exchequer:

Provided that in determining the time when a loan under this section shall be repayable, the Commissioners of Public Works in Ireland shall have regard to the probable duration and continuing utility of the works in respect of which the same is required.

37 & 38 Vict. c. 93.

In the case of a loan made before the passing of the Public Health (Ireland) Act, 1874, to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts, or in the case of a loan made or contracted to be made before the passing of this Act to any burial board for the purposes of the Burial Grounds Acts, the Commissioners of Public Works in Ireland may reduce the interest payable thereon to a rate of not less than three and a half per centum per annum.

Borrowing powers of joint boards and certain other authorities.

247. Joint boards under this Act, and sanitary authorities acting as burial boards under this Act, and any joint sewerage board constituted under any of the Sanitary Acts and existing at the time of the passing of this Act shall, for the purposes of their constitution, have like powers of borrowing on the credit of any fund or rate applicable by them to purposes of this Act or on the credit of sewage land and plant as are by this Act conferred on sanitary authorities, and in the exercise of those powers shall be subject to the like restrictions; and the Commissioners of Public Works in Ireland may make any loan to any of the above-mentioned authorities which they may make to a sanitary authority under this Act

Provided that in the case of loans made by the Commissioners of Public Works in Ireland to sanitary authorities for the purpose of carrying into effect the provisions of this Act relating to burial grounds, the rate of interest to be charged shall not be less than four per centum per annum.

Audit of Accounts.

Audit of accounts.

248. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board in each case. The accounts of a sanitary authority shall be audited by such auditor of the accounts relating to the relief of the poor as the Local Government Board shall appoint for the purpose. An auditor shall, with respect to the accounts of sanitary authorities under this section, have the like powers, and be subject to the like obligations in every respect, as in case of the audit under the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, and any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

34 & 35 Vict. c. 109.
35 & 36 Vict. c. 69.

PART VI.

LEGAL PROCEEDINGS.

Prosecution of Offences and Recovery of Penalties, &c.

Summary proceedings for offences, penalties, &c.

249. All offences under this Act, and all penalties, forfeitures, costs, and expenses under this Act directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace sitting at some court or other place appointed for the administration of justice.

General provisions as to summary proceedings.

250. Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint or information respectively arose.

The description of any offence under this Act in the words of this Act shall be sufficient in law.

Any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information ; and, if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

Restriction on recovery of penalties.

251. Proceedings for the recovery of any penalty under this Act shall not, except as in this Act is expressly provided, be had or taken by any person other than by a party aggrieved, or by the

sanitary authority of the district in which the offence is committed, without the consent in writing of the Attorney General for Ireland: Provided that such consent shall not be required to proceedings which are by the provisions of this Act relating to nuisances or offensive trades authorised to be taken by a sanitary authority in respect of any act or default committed or taking place without their district, or in respect of any house, building, manufactory, or place situated without their district.

Application of penalties.

252. Where the application of a penalty under this Act is not otherwise provided for, one half thereof shall go to the informer, and the remainder to the sanitary authority of the district in which the offence was committed: Provided, that if the sanitary authority is the informer they shall be entitled to the whole of the penalty recovered; and all penalties or sums recovered by them on account of any penalty shall be paid over to their treasurer, and shall by him be carried to the account of the fund applicable by such authority to the general purposes of this Act.

Proceedings in certain cases against nuisances.

253. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the sanitary authority or other complainant to institute proceedings against any one of such persons, or to include all or any two or more of such persons in one proceeding; and any one or more of such persons may be ordered to abate such nuisance, so far as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance; and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the "owner" or "occupier" of such premises, without name or further description.

Nothing in this section shall prevent persons proceeded against from recovering contribution in any case in which they would now be entitled to contribution by law.

Summary proceedings for recovery of rates.

254. If any person assessed to any rate made under this Act by any urban authority fails to pay the same when due and for the space of fourteen days after the same has been lawfully demanded in writing, or if any person quits or is about to quit any premises without payment of any such rate then due from him in respect of such premises, and refuses to pay the same after lawful demand thereof in writing, any justice may summon the defaulter to appear before a court of summary jurisdiction to show cause why the rate in arrear should not be paid; and if the defaulter fails to appear, or if no sufficient cause for nonpayment is shown, the court may make

an order for payment of the same, and, in default of compliance with such order, may by warrant cause the same to be levied by distress of the goods and chattels of the defaulter.

The costs of the levy of arrears of any rate may be included in the warrant for such levy.

Recovery of expenses by sanitary authority from owners.

255. Where any sanitary authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the sanitary authority, such expenses may be recovered, together with interest at a rate not exceeding five pounds per centum per annum, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge on the premises in respect of which they were incurred. In all summary proceedings by a sanitary authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Where such expenses have been settled and apportioned by the sanitary authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within three months from service of notice on him by the sanitary authority, of the amount settled to be due from such owner, he shall by written notice dispute the same.

The sanitary authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding thirty years, with interest at a rate not exceeding five pounds per centum per annum, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

Justice may act though member of sanitary authority, or liable to contribute.

256. No justice of the peace shall be deemed incapable of acting in cases arising under this Act by reason of his being a member of any sanitary authority, or by reason of his being as one of several ratepayers, or as one of any other class of persons liable in common with the others to contribute to, or to be benefited by any rate or fund out of which any expenses incurred by such authority are under this Act to be defrayed.

Appearance of sanitary authorities in legal proceedings.

257. Any sanitary authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member authorised generally or in respect of any special proceeding by resolution of such authority, and their clerk, or any officer or member so authorised, shall be at liberty to institute and carry on any proceeding which the sanitary authority is authorised to institute and carry on under this Act.

Sanitary officers to attend and assist at prosecution by sanitary authority.

258. Every officer of a sanitary authority shall attend and assist in any prosecution instituted by such authority on receipt of an order from such authority so to attend: Provided always, that if a medical officer of the sanitary authority shall so attend and assist, he

shall be entitled to remuneration from the sanitary authority at such rate as the Local Government Board shall approve, unless it shall have been agreed that the duty of affording such attendance and assistance shall be included in his salary, or that his whole time shall be occupied in the discharge of the duties of his office; and such payment shall be deemed to be expenses incurred by the sanitary authority under this Act, and may be recovered as part of the costs of the prosecution.

Name of sanitary authority need not be proved.

259. In any proceeding instituted by or against a sanitary authority under this Act it shall not be necessary for the plaintiff to prove the corporate name of the sanitary authority, or the constitution or limits of their district: Provided that this section shall not abridge or prejudice the right of any defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

Demands may be recovered in civil bill court.

260. Proceedings for the recovery of demands within the jurisdiction of the civil bill court, which sanitary authorities are empowered to recover in a summary manner, may, at the option of the sanitary authority, be taken in the civil bill court as if such demands were debts within the cognizance of such court.

Proceedings not to be quashed for want of form.

261. No rate, order, conviction, or thing made or done or relating to the execution of this Act shall be vacated, quashed, or set aside for want of form, or (unless otherwise expressly provided by this Act) be removed or removable by certiorari, or any other writ or process whatsoever, into any of the superior courts: Provided that nothing in this section shall prevent the removal of any case stated for the opinion of a superior court, or of any rate, order, conviction, or thing to which such special case relates.

False evidence punishable as perjury.

262. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

Notice of action against sanitary authority, &c.

263. A writ or process shall not be sued out against or served on any sanitary authority, or any member thereof, or any officer of a sanitary authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on such sanitary authority, member, officer, or person, clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the jury shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff, his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the

amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be non-suited or judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

Protection of sanitary authority and their officers from personal liability.

264. No matter or thing done, and no contract entered into by any sanitary authority or joint board, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority, shall, if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever; and any expense incurred by any such authority, member, officer, or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorised or joined in authorising.

NOTICES.

Orders of the Local Government Board, how to be published.

265. Every order of the Local Government Board under this Act shall be published in such manner as that Board may direct; and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general order made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, and containing the publication of any order of the Local Government Board, shall be conclusive evidence of the making of such order and all such facts and circumstances as were or shall be necessary to authorise the making of such order.

Notices, &c. may be printed or written.

266. Notices, orders, and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the sanitary authority the signature thereof by the clerk to the sanitary authority, or their inspector of nuisances, shall be sufficient authentication.

Service of notices.

267. Notices, orders, and any other documents required or authorised to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to the owner or occupier of premises, by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who

can be so served, by fixing the same on some conspicuous part of the premises; they may also be served by post by prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

Appeal.

Appeal in certain cases to Local Government Board.

268. Where any person deems himself aggrieved by the decision of the sanitary authority in any case in which the sanitary authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private improvement expenses, he may, within twenty-one days after notice of such decision, address a memorial to the Local Government Board stating the grounds of his complaint, and shall deliver a copy thereof to the sanitary authority; the Local Government Board may make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties; provided that if such order should repeal, in whole or in part, the decision appealed against, the Local Government Board, before making such order, shall afford to the sanitary authority opportunity of giving such evidence as it may desire in support of its decision.

Any proceedings that may have been commenced for the recovery of such expenses by the sanitary authority shall, on the delivery to them of such copy as aforesaid, be stayed; and the Local Government Board may, if it thinks fit, by its order direct the sanitary authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss, damage, or grievance thereby sustained by him.

Appeal to quarter sessions.

269. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order, conviction, judgment, or determination of or by any matter or thing done by any court of summary jurisdiction, such person may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next court of quarter sessions for the county, division, or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made:

(2.) The appellant shall within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved of his intention to appeal and of the ground thereof:

(3.) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal,

and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow :

(4.) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :

(5.) On appeals under this Act against any rate—

The chairman of the court before whom such appeal shall be brought shall have power to hear and finally determine the matter of any appeal brought before him under this Act, and shall make such order therein as to him shall seem meet, which order shall be final and conclusive upon all parties; and he shall have power to order the name of any person interested or concerned in the event of such appeal, and having had notice thereof, as herein is provided, to be inserted in such rate, and to be rated at such sum or sums of money, or to order the name of any such person to be struck out of such rate, or the sum or sums at which any such person is rated therein to be altered, as the said chairman shall think right: Provided always, that the chairman to whom such appeal shall be made shall not examine or inquire into any other cause or ground of appeal than such as is stated and specified in the notice of appeal, nor alter any such rate with respect to other persons or matter than are mentioned and specified in the notice of appeal; but if upon an appeal from the whole of any rate it shall be found necessary to quash or set aside the same, the chairman shall quash the same, and shall in that case order the sanitary authority to make a new rate, and they are hereby required to make the same accordingly.

If upon the hearing of any appeal from any rate under this Act, the chairman shall order the name of any person to be struck out of such rate, or the sum or sums rated on any person to be decreased or lowered, and if it shall be made to appear to the chairman that such person hath previously to the hearing of such appeal paid any sum or sums of money in consequence of such rate which he ought not to have been charged with, then and in every such case the chairman shall order all and every such sum and sums of money to be repaid by the said sanitary authority, together with all reasonable costs, charges, and expenses occasioned by such person having been required to pay the same, to be recovered as penalties and forfeitures under this Act, in virtue of the provisions of which such rate shall have been made.

The person so appealing shall give or cause to be given at least fourteen days notice in writing of his or their intention of appealing as aforesaid and of the matter or cause thereof, to the clerk of the sanitary authority, and the chairman upon the hearing of such appeal shall not examine or inquire into any other cause or ground of

appeal than such as is stated and specified in the notice of appeal; and if any person shall appeal against a rate because any other person is rated therein at any greater or less sum than the net annual value of the hereditaments in respect of which such other person shall be rated, or for any cause that shall require any alteration to be made in such rates with respect to any other person, then and in every such case the person so appealing shall give such notice of appeal as aforesaid not only to the said clerk, but also to every other person so interested or concerned in the event of such appeal, and every such other person shall if he so desire be heard upon such appeal.

Notwithstanding any such appeal or notice thereof, every rate shall be payable and shall be levied as if no appeal had been made until such rate shall be actually quashed or amended.

The chairman, upon hearing and finally determining the matter of any appeal, shall and may, according to his discretion, award such cost to the party appealing or appealed against as he shall think proper; and his determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever:

(6.) In the case of other appeals the court of appeal may, if it thinks fit, adjourn the appeal, and on the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

(7.) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

PART VII.

MISCELLANEOUS PROVISIONS.

Payments to members of sanitary authority as counsel illegal.

270. Any payment to any member of a sanitary authority or burial board for acting as counsel, solicitor, attorney, or agent for such authority or board shall be illegal; and if any member of any such authority or board shall so act, or shall accept or hold any office or place of profit under such authority or board of which he is a member, or shall in any manner directly or indirectly be concerned in any bargain or contract entered into by or on behalf of such authority or board, or participate in the profits thereof, then and in every such case such person shall cease to be a member of such authority or board, and his office as such shall thereupon become vacant. The expression "bargain or contract" used in this section shall extend to and include such contracts only as if made by any person by, with, or on behalf of the town council of any

borough would disqualify him from being elected, or being a councillor or an alderman, or a municipal commissioner of such borough according to the provisions of the Act of the session of Parliament held in the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, as explained and amended by the Act of the session of Parliament held in the fifteenth and sixteenth years of the reign of Her present Majesty, chapter five, and by any other Act or Acts.

Entry on lands for purposes of Act.

271. Whenever it becomes necessary for a sanitary authority or any of their officers to enter, examine, or lay open, any lands or premises for the purpose of making plans, surveying, measuring, taking levels, making, keeping in repair, or examining works, ascertaining the course of sewers or drains, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon, examined, or laid open, for the purposes aforesaid, or any of them, the sanitary authority may, after written notice to such owner or occupier, apply to a court of summary jurisdiction for an order authorising the sanitary authority to enter, examine, and lay open, the said lands and premises for the purposes aforesaid, or any of them.

If no sufficient cause is shown against the application the court may make an order accordingly, and on such order being made the sanitary authority or any of their officers may, at all reasonable times between the hours of nine in the forenoon and six in the afternoon, enter, examine, or lay open, the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours notice of the intended entry, and of the object thereof, be given to the occupier of the premises intended to be entered.

Penalty on obstructing execution of Act.

272. Any person who wilfully obstructs any member of the sanitary authority, or any person duly employed in the execution of this Act, or who destroys, pulls down, injures, or defaces any board on which any byelaw, notice, or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the sanitary authority, be liable for every such offence to a penalty not exceeding five pounds.

Where the occupier of any premises prevents the owner thereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in this behalf shall, by order in writing, require such occupier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a penalty not exceeding five pounds for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the sanitary authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, he shall (unless he shows cause to the satisfac-

tion of the court for his refusal) be liable to a penalty not exceeding five pounds.

Penalty on damaging works, &c. of sanitary authority.

273. Any person who wilfully damages any works or property belonging to any sanitary authority shall, in cases where no other penalty is provided by this Act, be liable to a penalty not exceeding five pounds.

Compensation in case of damage by sanitary authority.

274. Where any person sustains any damage by reason of the exercise of any of the powers of this Act, in relation to any matter as to which he is not himself in default, full compensation shall be made to such person by the sanitary authority exercising such powers; and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration in manner provided by this Act, or if the compensation claimed does not exceed the sum of twenty pounds, the same may, at the option of either party, be ascertained by and recovered before a court of summary jurisdiction.

Compensation to officers in certain cases.

275. If any officer of any body by this Act constituted the sanitary authority of any district is, by or in pursuance of this Act or of any provisional order made under the authority of this Act, removed from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value, and with equal privileges, by such sanitary authority, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such compensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

As to consent of Local Government Board required in certain cases.

276. Where in any Local Act the consent, sanction, or confirmation of the Lord Lieutenant, the chief secretary of the Lord Lieutenant, or the Privy Council is required with respect to the borrowing of any money, to the giving effect to any byelaws, or to the appointment of any officer for sanitary purposes, the consent, sanction, or confirmation of the Local Government Board shall, after the passing of this Act, be required instead of that of the authorities above named.

The consent of the Local Government Board, and not that of the Treasury, shall be required to the borrowing of money for the purposes of the Baths and Wash-houses Acts.

The powers vested in or exerciseable by one of Her Majesty's Principal Secretaries of State under the Markets and Fairs Clauses Act, 1847, so far as the same relate to Ireland, are hereby transferred to the Local Government Board, and may in Ireland be exercised by the Local Government Board. 10 & 11 Vict. c. 14.

If any question arises as to what are sanitary purposes within the meaning of this section, the determination of the Local Government Board on such question shall be conclusive.

Settlement of differences arising out of transfer of powers or property to sanitary authority.

277. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of the Sanitary Acts or this Act, upon the passing of this Act, or at any time thereafter by the operation of this Act, or of any provisional order made under the authority

of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

As to construction of incorporated Acts.

278. In the construction of the provisions of any Act incorporated with this Act the term "the special Act" includes this Act, and in the case of the Lands Clauses Acts any provisional order confirmed by Parliament and authorising the purchase of lands otherwise than by agreement under this Act; the term "the limits of the special Act" means the limits of the district; and the urban or rural authority shall be deemed to be "the promoters of the undertaking," "the commissioners," or "the undertakers," as the case may be.

All penalties incurred under the provisions of any Act incorporated with this Act shall be recovered and applied in the same way as penalties incurred under this Act.

Construction of schedules.

279. The schedules to this Act shall be read and have effect as part of this Act.

The forms contained in Schedule C. to this Act, or forms to the like effect, varied as circumstances may require, may be used and shall be sufficient for all purposes.

PART VIII.

SAVING CLAUSES AND REPEAL OF ACTS.

SAVING CLAUSES.

Provision as to the sanitary authorities existing at the passing of this Act and their officers, &c.

280. All urban sanitary authorities and rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be urban authorities and rural authorities under this Act; and all joint boards and committees of rural sanitary authorities existing at the time of the passing of this Act shall be deemed to be joint boards and committees of rural sanitary authorities under this Act; and the members of all the above-mentioned bodies shall hold office for such time as they would respectively have held office if this Act had not been passed; and the officers and servants of all the above-mentioned bodies shall continue to hold their several offices and employments on the same terms and subject to the same conditions, as to duties, remuneration, and otherwise, as they would have held them if this Act had not been passed; and all byelaws duly made under any of the Sanitary Acts by this Act repealed and not inconsistent with any of the provisions of this Act shall be deemed to be byelaws under this Act; and all the provisions of this Act shall apply to all such bodies existing at the time of the passing of this Act, and to their several officers and servants, in substi-

tution for the provisions of the Sanitary Acts by this Act repealed, but so as not to affect any right acquired or liability incurred under the Sanitary Acts, or any of them, before the passing of this Act, and existing at the time of the passing of this Act.

Saving for works and property of certain authorities, and for navigation and water rights, &c.

281. Nothing in this Act shall be construed to authorise any sanitary authority—

(1.) To use, injure, or interfere with any sluices, floodgates, sewers, groynes or sea defences, or other works already or hereafter made under the authority of any commissioners of sewers appointed by the Crown, or any sewers or other works already or hereafter made and used by any body of persons or person for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; or

(2.) To disturb or interfere with any lands or other property vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the office of the Lord High Admiral for the time being or in Her Majesty's Principal Secretary of State for the War Department for the time being; or

(3.) To interfere with any river, canal, dock, harbour, lock, reservoir, or basin, so as to injuriously affect the navigation thereon, or the use thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any body of persons or person are or is by virtue of any Act of Parliament entitled to navigate on or use such river, canal, dock, harbour, lock, reservoir, or basin, or to receive any tolls or dues in respect of the navigation thereon or use thereof; or

(4.) To interfere with any watercourse in such manner as to injuriously affect the supply of water to any river, canal, dock, harbour, reservoir, or basin, in cases where any such body of persons or person as last aforesaid would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference; or

(5.) To interfere with any bridges crossing any river, canal, dock, harbour, or basin, in cases where any body of persons or person are or is authorised by virtue of any Act of Parliament to navigate or use such river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the navigation thereon or use thereof; or

(6.) To execute any works in, through, or under any wharves, quays, docks, harbours, or basins, to the exclusive use of which any body of persons or person are or is entitled by virtue of any Act of Parliament, or for the use of which any body of persons or person are or is entitled by virtue of any Act of Parliament to demand any tolls or dues,—

Without the consent in every case of such Lord High Admiral or Commissioners for executing the office of Lord High Admiral, Secretary of State, commissioners, body of persons or person as are herein-before in that behalf respectively mentioned, such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of any body of persons not being a

corporation under the hand of their clerk or other duly authorised officer or agent; and nothing in this Act shall prejudice or affect the rights, privileges, powers, or authorities given or reserved to any person under such local or private Acts for draining, preserving, or improving land as are in this section mentioned.

Reference to arbitration in case of works not within preceding section.

282. Where any matters or things proposed to be done by any sanitary authority, and not being within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, harbour, lock, reservoir, basin, or towing-path which any body of persons or person are or is entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the navigation whereon or use whereof to demand any tolls or dues, or interfere with any works belonging to such river, canal, dock, harbour, or basin, or with any land necessary for the enjoyment or improvement thereof, the sanitary authority shall give to such body of persons or person a notice specifying the particulars of the matters and things so intended to be done. If the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration; and the following questions shall be decided by such arbitration; (that is to say,)

(1.) Whether the matters or things proposed to be done by the sanitary authority will cause any injury to such river, canal, dock, harbour, basin, towing-path, works, or land, or to the enjoyment or improvement of such river, canal, dock, harbour, or basin as aforesaid:

(2.) Whether any injury that may be caused by such matters or things, or any of them, is or is not of a nature to admit of being fully compensated by money.

Effect of arbitration.

283. The result of any such arbitration shall be final, and the sanitary authority shall do as follows; (that is to say,)

(1.) If the arbitrators are of opinion that no injury will be caused, the sanitary authority may forthwith proceed to do the proposed matters and things:

(2.) If the arbitrators are of opinion that injury will be caused, but that such injury is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation; and on payment of the amount so assessed, but not before, the sanitary authority may proceed to do the proposed matters and things:

(3.) If the arbitrators are of opinion that injury will be caused, and that it is not of a nature to admit of being fully compensated by money, the sanitary authority shall not proceed to do any matter or thing in respect of which such opinion may be given.

Provision as to transfer of powers, &c.

284. No transfer of powers and privileges under this Act shall deprive any body of persons or person authorised by virtue of any Act of Parliament to navigate on any river or canal, or to demand for their or his own benefit in respect of such navigation any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal.

Provision as to alteration of sewers.

285. Any body of persons or person authorised by virtue of any Act of Parliament to navigate on or use any river, canal, dock, harbour, or basin, or to demand any tolls or dues in respect of the

navigation on such river or canal, or the use of such dock, harbour, or basin, may, at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such to the sanitary authority, take up, divert, or alter the level of any sewers, drains, culverts, or pipes constructed by any sanitary authority, and passing under or interfering with such rivers, canals, docks, harbours, or basins, or the towing-paths thereof, and may do all such things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Saving for water rights generally.

286. Nothing in this Act shall be construed to authorise any sanitary authority to injuriously affect any reservoir, canal, river, or stream, or the feeders thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or in the feeders thereof, in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, feeders, or such supply, quality, or fall of water unless the sanitary authority first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

Arbitration as to alteration of sewers injuriously affecting supply of water, &c.

287. Any difference of opinion that may arise between a sanitary authority and any such body of persons or person as aforesaid, whether any sewers, drains, culverts, or pipes substituted under the powers of this Act for sewers, drains, culverts, or pipes constructed or laid down by any sanitary authority are equally effectual with those for which they are substituted, or whether the supply, quality, or fall of water in any such reservoir, canal, river, or stream as last aforesaid is injuriously affected by the exercise of powers under this Act, may, at the option of the party complaining, be determined by arbitration in manner by this part of this Act provided. The arbitrators shall decide the same questions as to the alleged injury, and the sanitary authority shall proceed in the same way as is by this Act provided with regard to arbitrations in cases of alleged injury to rivers, canals, docks, harbours, and basins.

Saving for mines, &c.

288. Nothing in this Act shall be construed to extend to any mines so as to interfere with or to obstruct the efficient working of the same; nor to the smelting of ores and minerals, nor to the calcining, puddling, and rolling of iron and other metals, nor to the conversion of pig iron into wrought iron, so as to obstruct or interfere with any of such processes respectively.

Saving for corporate bodies and Government departments.

289. Any corporate body required or authorised by or in pursuance of any Act of Parliament to divert its sewers or drains from any river, or to construct new sewers, and any public department of the Government, shall have the like powers and be subject to the like obligations under this Act as they had or were subject to under the Sewage Utilization Act, 1867; and for that purpose the provisions of this Act applicable to purposes the same as or similar to those of the Sewage Utilization Act, 1865, and the Sewage Utilization Act, 1867, shall apply in substitution for the last-mentioned provisions.

30 & 31 Vict. c. 113.

28 & 29 Vict. c. 75.

Saving for payment in certain cases to sanitary authority.

290. Nothing in this Act shall affect the payment or recovery of any yearly sum payable at the time of the passing of this Act to any sanitary authority in respect of any premises without their

district which have a drain communicating with a sewer within their district: Provided that any such sum shall cease to be payable, if and when the connexion between the drain and the sewer is discontinued, from the time of such discontinuance; but if after the discontinuance the connexion is re-established, the yearly sum shall again become payable, and so from time to time.

Saving for acts of authorities under any Local Act. 37 & 38 Vict. c. 93.

291. All rates, orders, acts, or things made, assessed, performed, or done, before the passing of this Act, by any authority purporting to act under the powers conferred on them by a Local Act with respect to any sanitary purposes shall be valid notwithstanding the passing of the Public Health (Ireland) Act, 1874, or of this Act.

Saving for proceedings under Local Acts.

292. Where within the district of a sanitary authority any Local Act is in force, providing for purposes the same as or similar to the purposes of this Act, proceedings may be instituted at the discretion of the authority or person instituting the same, either under the Local Act or this Act, or under both, subject to these qualifications:

(1.) That no person shall be punished for the same offence both under a Local Act and this Act; and

(2.) That the sanitary authority shall not, by reason of any Local Act in force within their district, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

Powers of Acts to be cumulative.

293. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall exempt any person from any penalty to which he would have been subject if this Act had not passed.

Provided that no person who has been adjudged to pay any penalty in pursuance of this Act shall for the same offence be liable to a penalty under any other Act.

REPEAL OF ACTS.

Repeal of Acts in Schedule A.

294. The Acts specified in the first and second columns of Schedule A. to this Act are hereby repealed to the extent in the third column of that schedule mentioned:

Provided that this repeal shall not affect—

(*a.*) Anything duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right or liability acquired, accrued, or incurred under any enactment hereby repealed, or any regulation or order duly made in pursuance of any such enactment; or

(*c.*) Any security given under any enactment hereby repealed; or

(*d.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*e.*) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not been passed.

SCHEDULES.

SCHEDULE A.

Sections 279, 294.

Enactments which have been already repealed are in a few instances included in this repeal, in order to avoid the necessity of reference to previous statutes.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
14 & 15 Vict. c. 28. -	The Common Lodging Houses Act, 1851.	The whole Act, so far as same relates to Ireland.
16 & 17 Vict. c. 41. -	The Common Lodging Houses Act, 1853.	The whole Act, so far as same relates to Ireland.
23 & 24 Vict. c. 26. -	The Common Lodging Houses Act (Ireland), 1860.	The whole Act.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Sections 33, 34, 35, 42, 45, 46, 48, 49, 52, 53, 54.
18 & 19 Vict. c. 116.	The Diseases Prevention Act, 1855.	The whole Act, so far as relates to Ireland.
18 & 19 Vict. c. 121.	The Nuisances Removal Act for England, 1855.	The whole Act, so far as relates to Ireland.
23 & 24 Vict. c. 77. -	An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases.	The whole Act, so far as relates to Ireland.
19 & 20 Vict. c. 98. -	The Burial Grounds (Ireland) Act, 1856.	The whole Act.
23 & 24 Vict. c. 76. -	An Act to amend the Burial Grounds (Ireland) Act, 1856.	The whole Act.
26 & 27 Vict. c. 117.	The Nuisance Removal Act for England (Amendment) Act, 1863.	The whole Act, so far as relates to Ireland.
28 & 29 Vict. c. 75. -	The Sewage Utilization Act, 1865.	The whole Act, so far as relates to Ireland.
29 & 30 Vict. c. 41. -	The Nuisances Removal (No. 1) Act, 1866.	The whole Act, so far as relates to Ireland.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 - -	The whole Act, so far as relates to Ireland.
30 & 31 Vict. c. 113.	The Sewage Utilization Act, 1867.	The whole Act, so far as relates to Ireland.
31 & 32 Vict. c. 115.	The Sanitary Act, 1868 - -	The whole Act, so far as relates to Ireland.
32 & 33 Vict. c. 100.	The Sanitary Loans Act, 1869 -	The whole Act, so far as relates to Ireland.
34 & 35 Vict. c. 109.	The Local Government (Ireland) Act, 1871.	The whole Act, except sections 11 to 18, both inclusive, 20, 21, 24 to 27, both inclusive, 29 and 30, and the schedule.
35 & 36 Vict. c. 69. -	The Local Government Board (Ireland) Act, 1872.	Sections 8 and 9.
36 & 37 Vict. c. 78. -	The Sanitary Act, 1866, (Ireland) Amendment Act, 1873.	The whole Act.
37 & 38 Vict. c. 93. -	The Public Health (Ireland) Act, 1874.	The whole Act.

SCHEDULE B.

Sections 240, 242, 244, 279.

FORM 1.

Form of Mortgage of Rates.

BY virtue of the Public Health (Ireland) Act, 1878, we the being the sanitary authority under that Act for the district of in

consideration of the sum of paid to the treasurer of the said district by *A.B.* of for the purposes of the said Act, do grant and assign unto the said *A.B.*, his executors, administrators, and assigns, such proportion of the rates arising or accruing by virtue of the said Act from [*the rates mortgaged*] as the said sum of doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said rates, to hold to the said *A.B.*, his executors, administrators, and assigns, from the day of the date hereof until the said sum of with interest at the rate of per centum per annum for the same, shall be fully paid and satisfied: And it is hereby declared, that the said principal sum shall be repaid on the day of at [*place of payment*]. Dated this day of one thousand eight hundred and .

[*To be sealed with the common seal of the sanitary authority.*]

FORM 2.

Form of Transfer of Mortgage.

I *A.B.* of , in consideration of the sum of paid to me by *C.D.* of , do hereby transfer to the said *C.D.*, his executors, administrators, and assigns, a certain mortgage, bearing date the day of and made by the sanitary authority under the Public Health (Ireland) Act, 1878, for the district of for securing the sum of and interest thereon at per centum per annum [*or if such transfer be by endorsement on the mortgage, insert, instead of the words immediately following the word* "*assigns*," the within security], and all my right, estate, and interest in and to the money hereby secured, and in and to the rates thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of one thousand eight hundred and .

A.B. (L.S.)

FORM 3.

Form of Rentcharge.

BY virtue of the Public Health (Ireland) Act, 1878, we the being the sanitary authority under that Act for the district of do hereby declare and absolutely order that the inheritance of the [dwelling-house, shop, lands, and premises, *as the case may be*], situated in street in the parish of within the said district, and now in the occupation of , shall be absolutely charged with the sum of pounds, paid by of for the improvement by drainage and water supply [*as the case may be*] of the same dwelling-house, shop, lands, and premises [*as the case may be*], together with interest for the same from the date hereof at pounds per centum per annum, until full payment thereof; and also all costs incurred by the said , his executors, administrators, or assigns, under this security, shall be fully paid and satisfied: And we hereby further declare that the said principal and interest moneys shall be paid and payable by the owner or occupier of the said premises to the said , his executors, administrators, and assigns, in manner following; (that is to say,) the interest on such principal sum of pounds, or on so much thereof as shall from time to time remain due and payable under this order, shall be paid and payable by equal half-yearly payments whilst payable on the day of and the day of in every year, the first payment thereof to be made on the day of next, and such principal sum of pounds shall be paid and payable by equal annual instalments on the day of in each of

the next succeeding years, towards the discharge of the same principal sum, until the whole shall be fully satisfied and discharged.

[*To be sealed with the common seal of the sanitary authority.*]

SCHEDULE C.

Section 279.

FORMS.

FORM A.

Form of Notice requiring Abatement of Nuisance.

To [*person causing the nuisance, or owner or occupier of the premises whereon the nuisance exists, as the case may be*].

Take notice that under the provisions of the Public Health (Ireland) Act, 1878, the [*describe the sanitary authority*], being satisfied of the existence of a nuisance at [*describe premises or place where the nuisance exists*], arising from [*describe the cause of nuisance, for instance,* want of a privy or drain; *or for further instance,* a ditch or drain so foul as to be a nuisance or injurious to health; *or for further instance,* swine kept so as to be a nuisance or injurious to health], do hereby require you within from the service of this notice to abate the same, and for that purpose to [*state any things required to be done or works to be executed*].

If you make default in complying with the requisitions of this notice, or if the said nuisance, though abated, is likely to recur, a summons will be issued requiring your attendance to answer a complaint which will be made to a court of summary jurisdiction for enforcing the abatement of the nuisance, and prohibiting a recurrence thereof, and for recovering the costs and penalties that may be incurred thereby.

Dated this day of 18 .

Signature of officer of sanitary authority

FORM B.

Form of Summons.

Summons.

To the owner *or* occupier of [*describe premises*], situated at [*insert such a description as may be sufficient to identify the premises*], *or* to *A.B.* of

County of [*or* borough of *&c. or* district of *or as the case may be*] to wit.

You are required to appear before [*describe the court of summary jurisdiction*], at the petty sessions [*or* court] holden at on the day of next, at the hour of in the noon, to answer the complaint this day made to me by that in or on the premises above mentioned [*or* in or on certain premises situated at No. in the street in the parish of *or such other description or reference as may be sufficient to identify the premises*], in the district, under the Public Health Act (Ireland), 1878, of [*describe the sanitary authority*], the following nuisance exists [*describing it, as the case may be*], and that the said nuisance is caused by the act or default of the occupier [*or* owner] of the said premises, *or* by you *A.B.* [*or in case the nuisance be discontinued, but likely to be repeated, say,* there existed recently, to wit, on or about the day of on the premises, the following nuisance [*describe the nuisance*], and that the said nuisance was caused [*&c.*], and although the same has since the said last-mentioned day been abated or discontinued, there

is reasonable ground to consider that the same or the like nuisance is likely to recur on the said premises].

this day of 18 .

(Signed) _____

Justice.

FORM C.

Form of Order for Abatement or Prohibition of Nuisance.

To the owner [*or* occupier] of [*describe the premises*] situated [*give such description as may be sufficient to identify the premises*], *or* to *A.B.* of .

County of [*or* borough, *&c.* of *or* district of *or as the case may be*]. WHEREAS on the day of complaint was made before Esquire, one of Her Majesty's justices of the peace acting in and for the county [*or other jurisdiction*] stated in the margin, [*or as the case may be,*] by that in or on certain premises situated at in the district under the Public Health Act (Ireland), 1878, of [*describe the sanitary authority*] the following nuisance then existed [*describing it*]; and that the said nuisance was caused by the act or default of the owner [*or* occupier] of the said premises [*or* was caused by *A.B.*] [*If the nuisance have been removed, say,* the following nuisance existed on or about [*the day the nuisance was ascertained to exist*], and that the said nuisance was caused, *&c.*, and although the same is now removed, the same or the like nuisance is likely to recur on the same premises].

And whereas the owner [*or* occupier] within the meaning of the said Public Health Act (Ireland), 1878, [*or* the said *A.B.*,] hath this day appeared before us [(*or* me) *describing the court*], to answer the matter of the said complaint [*or in case the party charged do not appear, say*, and whereas it hath been this day proved to our (*or* my) satisfaction that a true copy of a summons requiring the owner [*or* occupier] of the said premises [*or* the said *A.B.*] to appear this day before us [*or* me] hath been duly served according to the said Act.

Now on proof here had before us [*or* me] that the nuisance so complained of doth exist on the said premises, and that the same is caused by the act or default of the owner [*or* occupier] of the said premises [*or* by the said *A.B.*], we [*or* I], in pursuance of the said Act, do order the said owner [*or* occupier *or A.B.*] within [*specify the time*] from the service of this order or a true copy thereof according to the said Act [*here specify any things required to be done or works to be executed as, for instance,* to provide for the cleanly and wholesome keeping of, *or*, to remove the animal kept so as to be a nuisance or injurious to health; *or, for further instance,* to cleanse, whitewash, purify, and disinfect the said dwelling-house; *or, for further instance,* to construct a privy *or* drain *&c.*; *or, for further instance,* to cleanse *or* to cover *or* to fill up the said cesspool, *&c.*], so that the same shall no longer be a nuisance or injurious to health as aforesaid.

[*And if it appear to the court that the nuisance is likely to recur on the premises, say* [And we] [*or* I] being satisfied that, notwithstanding the said cause or causes of nuisances may be removed under this order, the same is or are likely to recur, do therefore prohibit the said owner [*or* occupier, *or A.B.*,] from [*here insert the matter of the prohibition, as, for instance,*] from using the said house or building for human habitation until the same, in our [*or* my] judgment, is rendered fit for that purpose.

In case the nuisance were removed before complaint, say, Now on proof here had before us [*or* me] that at or recently before the time of making the said complaint, to wit, on as aforesaid, the cause of nuisance complained of did exist on the said premises, but that the same

hath since been removed, yet, notwithstanding such removal, we [*or* I], being satisfied that it is likely that the same or the like nuisance will recur on the said premises, do hereby prohibit [*order of prohibition*]; and if this order of prohibition be infringed, then we [*or* I] [*order on sanitary authority to do works*].

Given under the hands of us [*or* the hand of me, *describing the court*], This day of 18 .

J.S.
J.P.

Form D.

Form of Order for Abatement of Nuisance by Sanitary Authority.

To the Town Council, *&c., as the case may be.*

County, *&c.* to wit. } Whereas [*recite complaint of nuisance as in last form*].

And whereas it hath been now proved to our [*or* my] satisfaction that such nuisance exists, but that no owner or occupier of the premises, or person causing the nuisance, is known *or* can be found [*as the case may be*]; Now we [*or* I], in pursuance of the said Act, do order the said [*sanitary authority, naming it,*] forthwith to [*here specify the works to be done*].

Given, *&c.* (*as in last form*).

Form E.

Form of Order to permit Execution of Works by Owner.

County of *or* borough, *&c.,* to wit. } Whereas complaint hath been made to me, *E.F.* Esquire, one of Her Majesty's justices of the peace in and for the county [*or other jurisdiction, &c.*] of by *A.B.*, owner, within the meaning of the Public Health Act (Ireland), 1878, of certain premises [*describe situation of premises so as to identify them*], that *C.D.*, the occupier of the said premises, doth prevent the said *A.B.* from obeying and carrying into effect the provisions of the said Act in this, to wit, that he the said *C.D.* doth prevent the said *A.B.* from [*here describe the works generally, according to circumstances, for instance, thus:* constructing and laying down, in connexion with the said house, a covered drain, so as to communicate with a sewer, which the sanitary authority under the said Act of the district of are entitled to use, such sewer being within one hundred feet of the said premises]: And whereas the said *C.D.*, having been duly summoned to answer the said complaint, and not having shown sufficient cause against the same, and it appearing to me that the said works are necessary for the purpose of enabling the said *A.B.* to obey and carry into effect the provisions of the said Act, I do hereby order that the said *C.D.* do permit the said *A.B.* to execute the same in the manner required by the said Act.

Given under my hand, this day of 18 .

J.S.

Form F.

Order of Justice for Admission of Officer of Sanitary Authority.

Whereas [*describe the sanitary authority*] have by their officer [*naming him*] made application to me, *A.B.*, one of Her Majesty's justices of the peace having jurisdiction in and for [*describe the place*], and the said officer has made oath to me that demand has been made pursuant to the provisions of the Public Health Act (Ireland), 1878, for admission to [*describe situation of premises so as to identify them*], for the purpose of [*describe the purpose, as the case may be*], and that such demand has been refused.

Now, therefore, I the said *A.B.* do hereby require you [*name the person having custody of the premises*] to admit the said [*name the sanitary authority*], [*or* the officer of the said *sanitary authority*], to the said premises, for the purpose aforesaid.

Given, *&c.* (*as in last form*).

CHAPTER 53.

An Act to facilitate improvements in the Organisation of the Admiralty and War Office by the retirement of Clerks from certain of the Civil Departments thereof.

[13th August 1878.]

WHEREAS by an Order of Her Majesty the Queen in Council, dated the twelfth day of February one thousand eight hundred and seventy-six, a lower division of clerks in the permanent Civil Service of the State was constituted, and it was further ordered therein that no department throughout Her Majesty's Civil Service should be permanently increased or regulated afresh without providing for the introduction of a system whereby such of its duties as were of a suitable character should be performed by members of such lower division:

And whereas it has become necessary to regulate afresh certain civil departments of the Admiralty and of the Secretary of State for War, and in making such regulation regard has been had to the requirements of the said Order with respect to the introduction of clerks of the lower division, and an immediate reduction has thereby been effected in the expense of the said departments:

And whereas the introduction of such clerks as last aforesaid involves a considerable reduction in the existing staff of clerks; and with a view to bring the new regulation into effect with the least possible delay, it is expedient that exceptional facilities should be given for the retirement of such members of the said departments as the Commissioners of the Admiralty and the Secretary of State for War may select for that purpose:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Award of Gratuities.

Power to pay gratuities to retiring clerks in the Admiralty and War Office.

1. The Commissioners of Her Majesty's Treasury may at any time or times before the thirty-first day of March one thousand eight hundred and eighty, but not after that date, by warrant under the hands of any two of the Commissioners, addressed to the Commissioners for the Reduction of the National Debt, authorise the payment to such clerks of the departments of the Admiralty and of the Secretary of State for War respectively as may be in the said warrant named of the several sums therein set opposite their names, and therein stated to have been awarded to them by the Commissioners of the Treasury as special gratuities on their retirement or removal from office in pursuance of the regulation of the departments to which they respectively belong.

Limitation of amount of gratuity.

2. A gratuity awarded under this Act to any clerk shall be estimated according to the period during which such clerk has served in a qualifying class as defined by this section, and shall be limited as follows; that is to say, it shall not exceed in the whole the sum of one thousand pounds, and it shall not exceed the sum of fifty pounds for each year and a proportionate part for any

portion of a year during which such clerk has served in a qualifying class up to the date of the warrant in which his name is contained.

A qualifying class, for the purposes of this section, means either a class of which the maximum salary did not exceed at any time before the thirty-first day of March one thousand eight hundred and seventy-eight four hundred and twenty pounds a year, with the possibility of further promotion, or a class of which the maximum salary does not exceed four hundred and fifty pounds a year, accepted in discharge of all claims for further promotion.

Certificate of retirement from service.

3. The name of a clerk shall not be included in any warrant under this Act unless there has been previously given in respect of such clerk a certificate by the Commissioners of the Admiralty or by the Secretary of State for War, as the case may require, that such person has actually and finally retired from the Civil Service of Her Majesty.

Gratuities to be in addition to ordinary superannuation allowance.

22 Vict. c. 26.

4. The gratuities to be awarded in pursuance of this Act shall be in addition and without prejudice to the annual allowances by way of compensation which it is lawful for the Commissioners of the Treasury to grant to any person retiring or removed from the public service under the Superannuation Act, 1859, or otherwise; provided nevertheless, that if the annual allowance, which might be granted under that Act to any person retiring for the purposes of this Act, shall be less than one half of his salary at the date of his retirement, not being later than the thirty-first day of March one thousand eight hundred and eighty, the annual allowance to be granted to him may, if the Commissioners of the Treasury see fit, be increased to one half of such salary.

Copies of warrant to be laid before Parliament.

5. A copy of every warrant made in pursuance of this Act shall be laid as soon as practicable before both Houses of Parliament, if Parliament is then in session, and if not, then as soon as practicable after the beginning of the then next session of Parliament.

Financial Provisions.

Payment to be made by Commissioners of the National Debt.

6. The Commissioners for the Reduction of the National Debt may pay the amounts awarded as gratuities in pursuance of this Act out of any funds for the time being in their hands under the authority of the Act of the session of the twenty-fourth year of the reign of Her present Majesty, chapter fourteen, and the Act of the session of the twenty-sixth and twenty-seventh years of the same reign, chapter eighty-seven, or either of such Acts.

Moneys paid for gratuities to be repaid by annuities.

7. An account shall be made up annually of the amount paid by the Commissioners for the Reduction of the National Debt in respect of gratuities under this Act, and a terminable annuity shall be annually paid out of the votes of Parliament for the navy as respects the retiring clerks who belong to the Admiralty, and for the army as respects the retiring clerks who belong to the department of the Secretary of State for War, to the Commissioners for the Reduction of the National Debt of an amount sufficient to repay to the said Commissioners, at the expiration of ten years, the amount advanced by them, together with interest thereon at a rate of not less than three and a half per centum per annum; and the amount of the annuity payable in pursuance of such warrants shall be notified by

a certificate under the hand of the actuary of the National Debt Office, in the case of a clerk of the Admiralty to the Admiralty, and in the case of a clerk of the department of the Secretary of State for War to the Secretary of State for War.

Consolidated Fund to repay advances to Commissioners if necessary.

8. If at any time it appear desirable to the Treasury and to the Commissioners for the Reduction of the National Debt, having regard to the funds out of which the said Commissioners are authorised by this Act to pay the amounts awarded as gratuities, that an issue in money should be made out of the Consolidated Fund in repayment of advances made from such funds, the Treasury may, upon a certificate to that effect under the hands of the Comptroller-General or Assistant Comptroller, acting under the Commissioners for the Reduction of the National Debt, issue to the said Commissioners out of the Consolidated Fund, or the growing produce thereof, such sum as may be named in such certificate.

Annuities to be applied to repay issues from the Consolidated Fund.

9. When an issue has been made as aforesaid out of the Consolidated Fund in repayment of advances made by the Commissioners for the Reduction of the National Debt under this Act, the actuary of the National Debt Office shall certify to the said Commissioners the annual amount which should be applied for a term of years to be fixed by the Commissioners, with the assent of the Treasury, as the equivalent value of the amount so repaid to the said Commissioners, and the said Commissioners shall annually apply the amount so certified, for the fixed term of years, out of the moneys to be paid to them from year to year in respect of gratuities paid by them under this Act, to the purchase and cancelling of perpetual or other annuities, exchequer bills, bonds, bank advances, or other descriptions of debt, chargeable upon the Consolidated Fund, and the said actuary shall take the rate of interest at which the annual payments are to be made to the said Commissioners under this Act as the basis upon which the amount of the annual payments so to be applied are to be valued.

Definition of "clerk."

10. The word "clerk" in this Act means any person, whether holding office under that or under any higher title, in the said civil departments of the War Office or Admiralty who is paid his remuneration out of moneys provided by Parliament for supply services, and to whom the Commissioners of the Treasury may, in the exercise of their discretion, consider this Act is applicable.

Saving clause.

11. Nothing in this Act shall be held to authorise any person or class of persons to claim as a right any gratuity under this Act, nor to claim any pension, except as is provided for the amount thereof in the fourth section of this Act, otherwise than is provided in the said Superannuation Act of 1859.

22 Vict. c. 26.

Short title of Act.

12. This Act may be cited for all purposes as the Admiralty and War Office Regulation Act, 1878.

CHAPTER 54.

An Act to amend the Debtors Act, 1869, and the Debtors Act (Ireland), 1872. [13th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Court or judge to have discretion in cases within exceptions 3 and 4 in 32 & 33 Vict. c. 62. s. 4, and 35 & 36 Vict. c. 57. s. 5, respectively.

1. In any case coming within the exceptions numbered 3 and 4 in the fourth section of the Debtors Act, 1869, and in the fifth section of the Debtors Act (Ireland), 1872, respectively, or within either of those exceptions, any Court or Judge, making the order for payment, or having jurisdiction in the action or proceeding in which the order for payment is made, may inquire into the case, and (subject to the provisoes contained in the said sections respectively) may grant or refuse, either absolutely or upon terms, any application for a writ of attachment, or other process or order of arrest or imprisonment, and any application to stay the operation of any such writ, process, or order, or for discharge from arrest or imprisonment thereunder.

Short title and construction.

2. This Act may be cited as the Debtors Act, 1878, and shall be construed as one with the Debtors Act, 1869, as regards England, and as one with the Debtors Act (Ireland), 1872, as regards Ireland ; and the Debtors Act, 1869, and this Act may be cited as the Debtors Acts, 1869 and 1878, and the Debtors Act (Ireland), 1872, and this Act may be cited as the Debtors Acts (Ireland), 1872 and 1878.

CHAPTER 55.

An Act to enable the Trustees of the British Museum to remove portions of their Collections.

[13th August 1878.]

WHEREAS the British Museum was established and the management thereof vested in a corporate body of Trustees by virtue of an Act passed in the twenty-sixth year of the reign of King George the Second, chapter twenty-two, and intituled "An "Act for the purchase of the Museum or Collection of Sir Hans "Sloane and of the Harleian Collection of Manuscripts, and for "providing one general repository for the better reception and "more convenient use of the said collections, and of the Cottonian "Library, and of the additions thereto," wherein it was provided that a general repository should be erected within the cities of London or Westminster, or the suburbs thereof, in such convenient place as the Trustees should direct, for the reception of the several collections in the title of the said Act mentioned, and of such other collections and libraries as, with the approbation of the Trustees, should be admitted into the said general repository, which several collections, additions, and libraries so received into the said general repository should remain and be preserved therein for public use to all posterity : And whereas the British Museum has since its foundation become so greatly extended in various departments of literature, science, and art as to render necessary for the reception of the additions which are from time to time made to it a much larger space than can be conveniently obtained in the neighbourhood of the present Museum : And whereas, in addition to collections of books, manuscripts, antiquities, objects of natural history, and other miscellaneous objects, the Trustees of the British Museum are possessed of a number of pictures : And whereas it is

expedient that power should be given to the said Trustees to provide room for the additions to the Museum by disposing in manner herein-after mentioned of the collections referred to in the schedule annexed hereto, and of the said pictures:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to remove certain collections to South Kensington.

1. The Trustees of the British Museum may, with the consent of the Commissioners of Her Majesty's Treasury, remove the collections specified in the said schedule hereto, or any of them, or any part thereof, to the Natural History Museum now in course of erection at South Kensington, there to remain and be preserved for public use to all posterity.

Power of Trustees over pictures.

2. The Trustees of the British Museum may, if they think fit, and with such consent as aforesaid, assign and deliver to the Trustees and Director of the National Gallery, or to the Trustees of the National Portrait Gallery, or partly to the one body and partly to the other, all or any pictures belonging to them; and all pictures assigned and delivered in pursuance of this Act shall be held by the assignees on trust to preserve the same for public use to all posterity; but upon their being so assigned and delivered the Trustees of the British Museum shall be deprived of all right to and be released from all responsibility in respect of such pictures.

Power to give away duplicate works, objects, &c.

3. The Trustees of the British Museum may also give away any duplicate works, objects, or specimens not required for the purposes of the Museum: Provided always, that the power hereby conferred shall not extend to any duplicate works in the Royal Library of King George the Fourth, or in the Cracherode, Grenville, or Banksian Libraries, or to any objects presented to the Museum for use and preservation therein.

Questions as to classification of objects.

4. If any question arises as to the particular collection to which any object in the British Museum belongs, such question shall for the purposes of this Act be finally determined by the Trustees of the Museum.

Saving clause.

5. Except in so far as is herein-before expressed, nothing herein contained shall affect the rights, powers, duties, or obligations of the Trustees of the British Museum.

Short title of Act.

6. This Act may be cited for all purposes as the British Museum Act, 1878.

SCHEDULE.

Collections at the British Museum belonging to the following departments:

Zoology.
Geology and Palæontology.
Mineralogy.
Botany.

CHAPTER 56.

An Act to amend the Law respecting the expense of regulating Commons. [13th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Commons (Expenses) Act, 1878, and together with the Inclosure Acts, 1845 to 1876, as the Inclosure Acts, 1845 to 1878.

Raising of expenses of regulation of common by sale of portion of common.

2. The Inclosure Commissioners may, if they think fit, insert in any provisional order for the regulation of a common a provision for the raising and payment of the expenses of and incidental to the regulation of such common, either wholly or partly, by a sale of a portion of the common; and they shall in such case specify in the provisional order the situation and the maximum quantity of the portion of the common which may be so sold; and where such provision is made the said expenses may be raised and paid accordingly in manner provided by the Inclosure Acts, 1845 to 1868.

Amendment of 39 & 40 Vict. c. 56. s. 14. as to raising money for improvement or protection of common.

3. Where in a provisional order for the regulation of a common the Inclosure Commissioners insert, in pursuance of section fourteen of the Commons Act, 1876, a provision for the raising of money to be applied towards the improvement or protection of such common by means of the sale of any portion, they shall in the provisional order specify the situation and maximum quantity of the portion which may so be sold; and they may, if they think fit, also insert in the order a provision for the investment of the proceeds of such sale or any part of those proceeds, and for the application of the annual income of the investment towards the improvement or protection of such common, and for the sale of such investment or any part thereof from time to time, and the application of the proceeds of such sale towards the improvement or protection of such common.

Provision of allotments for the labouring poor on regulation.

4. The Commissioners may, if they think fit, specify in any provisional order for the regulation of a common, as one of the terms and conditions of the regulation, the appropriation of an allotment for the labouring poor, and the provisions of the Inclosure Acts, 1845 to 1876, with respect to such allotments made upon the inclosure of a common shall apply to any such allotment made on the regulation of a common.

CHAPTER 57.

An Act for the Revision of the Statute Law of Ireland.

[13th August 1878.]

WHEREAS, with a view to the revision of the Statute Law, and particularly to the preparation of a Revised Edition of the Irish Statutes, it is expedient that certain enactments of the Parliament of Ireland (mentioned in the schedule to this Act) which may be regarded as spent, or which have ceased to be in force otherwise than by express and specific repeal by Parliament, or which have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Enactments in schedule repealed.

1. The enactments described in the schedule to this Act are hereby repealed, subject to the exceptions and qualifications in the schedule mentioned;

Saving.

Provided, that where any enactment not comprised in the schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act:

and the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon, or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, claim, or demand,—or any indemnity, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, or emolument, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force.

Short title.

2. This Act may be cited as the Statute Law Revision (Ireland) Act, 1878.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part, first and last mentioned, or otherwise referred to as forming the beginning, and the end respectively, of the portion comprised in the description or citation.

3 Edw. 2. c. 2.	An Act against the keeping of idle Men and Kearns in time of Peace.
c. 3.	An Act against giving of Protections.
c. 4.	An Act against fraudulent Conveyances.
c. 5.	An Act that Justices of Assize shall deliver Estreates into the Exchequer.
18 Hen. 6. c. 1.	An Act against the Extortion of Purveyors and Harbengers.
c. 2.	An Act that such as put themselves into Comrick or that do take any to Comrick shall be Traytors, and the Comrick Treason.
c. 4.	An Act that no Protection (quia profecturus) shall be granted before that the Party make Oath that the Cause containeth Truth, &c.
25 Hen. 6. c. 1.	An Act that the King's Officers may travel by Sea from one Place to another within the Land of Ireland.
c. 2.	An Act that the King's Subjects or Officers in Ireland may be absent by the Commandment of the King, or of the Governor, or of the Council, without seizure of their Lands, Rents, Benefices, or Offices, &c.
c. 7.	An Act that the Sons of Labourers and Travailers of the Ground, as Ploughmen, and such other, shall use the same Labours and Travails that their Fathers and Parents have done.
c. 8.	An Act that no Lord of Parliament shall be amerced in Plees real or personal otherwise than another person.
c. 9.	An Act concerning Absentees.

28 Hen. 6. (Dublin), c. 2.	*An Act the title of which begins with the words,*—An Act that upon Accusations made,—*and ends with the words,*—Cause shall require.
c. 4.	An Act that the Chancellor, Justices or Barons, or their Ministers, shall make forth no Writts of Privilege, but only for the Ministers or Servants continually attendant upon them.
28 Hen. 6. (Drogheda), c. 1.	An Act that no Remembrancer nor his Deputy shall cause any process to be made against any that hath Discharge of Record in the Exchequer.
c. 2.	*An Act the title of which begins with the words,*—An Act that no Commission shall be made out of the Chancery,—*and ends with the words,*—Inquisition taken.
c. 3.	*An Act the title of which begins with the words,*—An Act that none shall sell Wine,—*and ends with the word,*—Half-pint.
32 Hen. 6. c. 1.	An Act that all Statutes made against Provisours as well in England as in Ireland shall be had and kept in force.
c. 2.	An Act for Discharge of the Jurors in Inquisitions upon Sight of the Bodies before Coroners, being at two several Days sworn that they do not know the Felon.
c. 3.	*An Act the title of which begins with the words,*—An Act that the Matter of every Appeal,—*and ends with the words,*—as Law will.
33 Hen. 6. c. 1.	An Act whereby Commissioners are prohibited to award Exigents.
c. 2.	An Act that the Recorders or Clerks of Dublin and Drogheda shall have but two Pence for the Copy of a Plaint.
c. 4.	An Act concerning Commissioners and Escheators.
36 Hen. 6. c. 2.	An Act concerning the inclosing of Towns and Villages.
38 Hen. 6. c. 1.	An Act that none shall sue Actions in the Exchequer, unless the Plaintiff be Minister to the Exchequer or Servant to any Minister of Record of the Exchequer, upon pain of Ten Pounds.
2 Edw. 4. c. 1.	An Act that certain Money shall be received of the Issues and Profits of the Courts for the repairing of the Hall of the Castle.
3 Edw. 4. c. 1.	An Act whereby the Lords and Commons of the Parliament hath Privilege for certain Days before and after the said Parliament.
c. 2.	An Act what Fees Attornies in the King's Court shall take and what Fees shall be paid for Writs and other Records.
5 Edw. 4. c. 1.	An Act that like Challenges shall be made touching the Feoffee to Use as should be touching him to whose Use he standeth infeoffed.
c. 3.	An Act that the Irishmen dwelling in the Counties of Dublin, Myeth, Vriel, and Kildare shall go apparelled like Englishmen, and wear their Beards after the English maner, swear Allegiance, and take English Surname.
c. 4.	An Act that every Englishman and Irishman that dwelleth with Englishmen and speaketh English, between sixty and sixteen in years, shall have an English Bow and Arrows.
c. 5.	An Act for having a Constable in every Town, and a pair of Butts for shooting, and that every man between sixty and sixteen shall shoot every Holyday at the same Butts.
7 Edw. 4. c. 1.	An Act that the Governour for the Time being may pass into Islands.
c. 3.	An Act whereby Letters Patent of Pardon from the King to those that sue to Rome for certain Benefices is void.
c. 4.	An Act for the removing of the Exchequer and Common Pleas.
8 Edw. 4. c. 2.	An Act against Ingrossers and Regrators of Corn.
12 Edw. 4. c. 1.	An Act for prohibiting Staple Wares to be carried into Scotland without paying Custome.
c. 3.	An Act that no grain be laden out of the Realm unless the same be at a certain Price.
18 Edw. 4. c. 2.	An Act concerning the choosing of Knights and Burgesses of Parliament.
20 Edw. 4. c. 1.	An Act to restrain the carrying of Hawkes out of this Kingdom.
8 Hen. 7. c. 1.	An Act for the cleansing of the Watercourse in St. Patrick's Street.
10 Hen. 7. c. 2.	*An Act the title of which begins with the words,*—An Act that the Chancellor,—*and ends with the words,*—Will and Pleasure.
c. 3.	An Act adnulling a Prescription which Traytors and Rebels claimed within this Land.
c. 4.	An Act that no Parliament be holden in this Land until the Acts be certified into England.
c. 5.	An Act against Provisors to Rome.
c. 6.	An Act that no Citizen receive Livery or Wages of any Lord or Gentleman.
c. 7.	An Act that none be admitted Alderman, Juror, or Freeman in no Town, but if he have been Prentice or Inhabitant in the same.

10 Hen. 7—*cont.*	
c. 8.	An Act for the Confirmation of the Statutes of Kilkenny.
c. 9.	An Act that the Subjects of this Realm shall have Bows and other Armour.
c. 10.	An Act that the Captains of the Marches do certifie the Names of such as they have in their Retinue.
c. 11.	An Act that no Person take any Money or Amends for the Death or Murder of his friend or kinsman, other than the King's Laws will.
c. 12.	An Act that no Great Ordinances be in no Fortress but by the Licence of the Deputy.
c. 13.	An Act that no Person stir any Irishry to make War.
c. 15.	An Act touching the keeping of Records of the Earldomes of Marche, Connaght, Trym, and Ulster.
c. 16.	A Statute for the Lords of the Parliament to wear Robes.
c. 18.	An Act for Extirpation of a new Maner of Coyn and Livery upon Pains comprised in the Statute of Kilkenny.
c. 19.	An Act declaring a Rate what Souldiers shall pay for their Meat and Drink in Time of Hostility.
c. 20.	An Act abolishing these Words Cromabo and Butlerabo.
c. 23.	An Act repealing a Parliament holden at Drogheda before Robert Prestone, Lord of Gormanstowne.
14 Hen. 7. c. 1.	An Act for punishing of Customers, &c., for their Misdemeanors.
15 Hen. 7. c. 1.	Twelve pence levied by the King out of every twenty shillings worth of Wares brought into Ireland, Wine and Oyl only excepted.
7 Hen. 8. c. 1.	An Act for and against such as sue Letters under the Privy Seal out of England.
25 Hen. 8. c. 1.	An Act for Lezers of Corn.
c. 2.	An Act for the Uniting and Appropriation of the Parsonage of Galtrime to the Priory of St. Peter's by Trymme.
28 Hen. 8. c. 2.	An Act of Succession of the King and Queen Anne.
in part.	Except Sections Two and Nine.
c. 3.	The Act of Absentees.
c. 4.	The Repeal of Poyning's Act.
c. 11.	An Act restraining Tributes to be given to Irishmen.
c. 12.	An Act against Proctors to be any member of the Parliament.
c. 13.	An Act against the authority of the Bishop of Rome.
c. 15.	An Act for the English Order, Habite, and Language.
c. 16.	An Act for the Suppression of Abbeyes.
c. 18.	An Act for the Proofe of Testaments.
in part.	Except Section One, from "and in case any die," to "delivered in manner and forme as is aforesaid." *
c. 19.	The Act of Faculties.
c. 21.	The Act of penal Statutes.
c. 24.	The Act for Leasers of Corn.
c. 25.	The Act of Leases.
c. 26.	An Act for the First Fruites of Abbeyes, Priories, and Colleges.
c. 27.	An Act of Subsidie.
33 Hen. 8. c. 3.	An Act that the Plaintife may abridge his Plaint in Assize.
c. 4.	An Act that Consanguinity or Affinity being not within the fifth Degree shall be no principal Challenge.
c. 8.	An Act for Capacities.
c. 11.	An Act for Recoverie in avoyding Leases.
c. 12.	An Act for Tythes.
c. 13.	An Act for Attournments.
c. 14.	An Act for erecting of Vicarages.
c. 15.	An Act for Vagabonds.
33 Hen. 8. sess. 2.	An Act for the Adjournment of the Parliament and the Place to hold the same, and what Persons shall be chosen Knights and Burgesses.
c. 1.	
c. 3.	An Act touching Mispleading and Jeoyfailes.
in part.	Except Section Three.
c. 4.	An Act for Lands given by the King.
c. 5.	An Act for the Suppression of Kylmaynham and other Religious Houses.
in part.	Sections Five; Eight to Twenty-three; Twenty-five, Twenty-six.
c. 2.	An Act that for Persons standing bound in any Court for their Appearance, and being in Service to be discharged by Writt.

* There would appear to be some error in the numbering of the sections of this Act, section 1 immediately preceding section 6.

3 & 4 Philip and Mary.	
c. 2. in part.	An Act whereby the King and Queen's Majesties, and the Heires and Successours of the Queen, be entituled to the Countries of Leix, Slewmarge, Irry, Glinmaliry, and Offaily, and for making the same Countries Shire Grounds. Sections Four and Six.
c. 3.	An Act to convert and turne divers and sundry Waste Grounds into Shire Grounds.
c. 4.	An Act declaring how Poning's Acte shall be exponed and taken.
c. 5.	An Act against Corsors and Idle Men.
c. 7.	An Act against making of Aqua vitæ.
c. 8.	*An Act the title of which begins with the words,*—An Act repealing,—*and ends with the words,*—to the Laity.
c. 11. in part.	An Act whereby certeine Offences be made Treasons, and alsoe for the Governement of the King and Queen's Majestie's Yssue. Except Section Six to "otherwise," and Section Seven.
c. 12.	The Acte of Subsidye.
c. 13.	An Act declaringe the Queen's Highnes to have bene born in a most just and lawfull Matrimony, and also repealinge all Acts of Parliament and Sentences of Divors, had and made to the contrarie.
2 Eliz. c. 3.	An Act for the Restitution of the First Fruits and XX Part and Rents reserved, nomine X or XX, and of Parsonages impropriate to the Imperiall Crown of this Realm.
c. 4.	An Act for the conferring and consecrating of Archbishops and Bishops within this Realme.
c. 5.	An Act of Recognition of the Queene's Highnesse Title to the Imperial Crowne of this Realme.
c. 6. in part.	An Act whereby certaine Offences be made Treason. Except Section Four.
11 Eliz. sess. 1.	
c. 1.	The Act of Subsidie granted to the Queene's Majestie.
c. 5.	An Act for reviving the Statute against Gray Merchants; the Statute for Servants' Wages, and the Statute of Jeofailes.
c. 7.	An Act that the Acte of retayninge of Scotts shall not extende to the Governours of this Realme.
11 Eliz. sess. 2. c. 1.	*An Act the title of which begins with the words,*—An Act authorising,—*and ends with the words,*—Ponynge's Act.
11 Eliz. sess. 3. c. 2.	An Act for making of the Trinitie Term shorter and for the Commencement thereof.
c. 4.	An Act for the Preservation of Salmon Frie and Ele Frie.
c. 5.	An Act against the laying of Hemp, Flax, and lymed Hydes in any fresh Waters or Rivers.
c. 6.	An Act authorising the Governour for ten years to come, to present to the dignities of Mounster and Connaght.
c. 7.	An Act for taking away Captainships, and all Exactions belonging thereunto, from the Lords and Great Men of this Realm.
c. 8.	*An Act the title of which begins with the words,*—An Act that there be no Bill certified into England,—*and ends with the words,*—and Commons.
c. 9.	An Act for turning of Countries that be not yet Shire Grounds into Shire Grounds.
11 Eliz. sess. 4. c. 1.	An Act giving order for bringing in of Wines into this Realm, where they shall be discharged, who shall rate the Prices of them, and also for Graunt of a Custom out of the same Wines.
13 Eliz. c. 4.	An Act authorising the Primat of Ardmagh to set his Landes and Possessions in the Irish Pale for years without the Assent of his Chapiter.
28 Eliz. c. 1. in part.	An Act concerning wilfull Perjurie. Section One, so far as it relates to punishment of pillory. Section Two, so far as it relates to punishment of pillory, and from "in which" to end of that Section. Section Five.
c. 3.	An Act against forging of Evidences, &c.
c. 5.	An Act concerning the avoyding of fraudulent Conveyances made by the late Rebels in Ireland.
11, 12, & 13 Jas. 1. c. 1.	A most joyfull and just Recognition of His Majestie's lawfull, undoubted, and absolute Right and Title to the Crown of Ireland.
c. 2. in part.	An Act for punishing of Pirats and Robbers on the Sea. Section Three.

11, 12, & 13 Jas. 1. —*cont.*	
c. 5.	An Act of Repeale of diverse Statutes concerning the Natives of this Kingdom of Ireland.
c. 6.	An Act for Repeale of one Statute made against bringing in of Scotts, retayning of them, and marrying with them.
c. 9.	An Act for the King's Majestie's most gracious, general, and free Pardon.
c. 10.	An Act for the grauntinge of one entire Subsidie by the Temporaltye.
10 Car. 1. c. 1.	An Act for the grant of four entire Subsidies by the Temporalty.
c. 2.	An Act for the further granting of two entire Subsidies by the Temporalty above the four Subsidies now granted by this present Parliament.
c. 4.	An Act that this Session of Parliament shall not determine by his Majestie's Royal Assent to some Bills.
10 Car. 1. sess. 2.	An Act expressing an Order for Uses, Wills, and Enrollments.
c. 1. in part.	Sections Seven and Ten. Section Eleven to "Heriots." Sections Twelve to Sixteen.
c. 3. in part.	An Act against covenous and fraudulent Conveyances. Sections Six to Nine, Twelve, Thirteen, and Fifteen.
c. 4. in part.	An Act concerning Grantees of Reversions, to take Advantage of Breaches of Conditions, &c. Section Three.
c. 6. in part.	An Act for Limitation of Actions and for avoiding of Suites in Law. Except Section Sixteen.
c. 7.	An Act that wrongfull Disseizin, &c., is no Descent in Law.
c. 9.	An Act touching Proclamations upon Fines.
c. 10.	An Act for the Reformation of Errors in Fines and Recoveries.
c. 11.	An Act for expedition of Justice in cases of Demurrers, &c.
c. 12.	An Act for reformation of Jeofails, &c.
c. 14. in part.	An Act for the Continuance of Actions after the Death of any King. Section Two.
c. 15.	An Act that like Process shall be had in every Writ of Annuitie, and certain other Actions, as in an Action of Debt.
10 Car. 1. sess. 3. c. 1.	An Act for Maintenance and Execution of Pious Uses.
c. 4.	An Act for the Naturalization of all the Scottish Nation, which were Ante-Nati, born before His late Majestie King James of ever blessed Memorie, His happy accesse unto the Crown of England and Ireland, &c.
c. 5.	An Act for Confirmation of Leases made by the Lord Primate and other Bishops in Ulster.
c. 6.	An Act that Lessees shall enjoy their Farmes against Tenants in Taile, or in right of their Wives, &c.
c. 8.	An Act for to avoyde unnecessary delayes of Execution.
c. 11.	An Act for the avoyding of Recoveries suffered by Collusion by Tenants for Tearme of Life and such others.
c. 12.	An Act for the avoyding of Secret Summons in Reall Actions.
c. 15. in part.	An Act against Maintenance, Embracery, &c., and against unlawful buying of Titles. Section Two, from "in which Action" to End of that Section. Section Three, so far as it relates to Appropriation of Penalty, and from "in which Action" to End of that Section. Sections Five and Seven.
c. 18. in part.	An Act for the swearing of Under-sheriffs and other Officers. Section Three.
c. 19.	An Act to prevent Extortions in Sheriffes, Under-sheriffes, and Bayliffes of Franchises and Liberties in Cases of Execution.
c. 21.	*An Act the title of which begins with the words,*—An Act whereby,—*and ends with the word,*—Kingdom.
c. 22.	An Act to repeal a Statute made in the 12th yeare of King Edward the Fourth, concerning bringing Bowes into this Realme.
c. 23.	An Act for the granting of eight entire Subsidies by the Prelates and Clergie of Ireland.
10 & 11 Car. 1. c. 1.	An Act to prevent and reform prophane Swearing and Cursing, &c.
c. 2.	*An Act the title of which begins with the words,*—An Act to enable Restitution, —*and ends with the word,*—Churches.

10 & 11 Car. 1.—*cont.*	
c. 4.	An Act for the erecting of Houses of Correction, and for the Punishment of Rogues, Vagabonds, Sturdy Beggars, and other Lewd and Idle Persons.
c. 6.	An Act for repeale of divers Statutes heretofore enacted in this Kingdom of Ireland.
c. 7. in part.	*An Act the title of which begins with the words,*—An Act of Explanation,—*and ends with the word,*—sold. Section Two.
c. 13.	An Act for the following of Hue-and-Cry.
c. 14.	An Act concerning errors in Records of Attainder of High Treason and Felonie.
c. 16.	An Act for the suppressing of Cosherers and Idle Wanderers.
c. 18.	An Act restraining the Abusive taking and distrayning for Herriots.
c. 19.	An Act for the King's Majesty's most gracious general and free Pardon.
15 Car. 1. c. 2.	An Act for abridging of Proclamations upon Fines, to be leavied at the Common Law.
c. 4.	An Act touching the finding of Offices before the Escheator, &c.
c. 5.	An Act against Discontinuance of Writs of Error in the Court of Exchequer, and for the better Expedition in giving Judgment therein.
c. 8.	*An Act the title of which begins with the words,*—An Act for punishing of Offenders,—*and ends with the word,*—Recognizance.
c. 10.	An Act for remedy of Errors and Defects in Fines and common Recoveries heretofore levied, acknowledged, and suffered.
c. 12.	An Act concerning 20th parts and other somms of Money payable by persons Ecclesiastical.
c. 13.	An Act for the Grant of four intire Subsidies by the Temporalty.
c. 14.	An Act that this Session of Parliament shall not determine by his Majestie's Royal Assent to this and some other Bills.
13 Car. 2. c. 1.	An Act of Most joyful Recognition of His Majestie's undoubted Title to the Crown of Ireland.
c. 2.	An Act for Confirmation of Judicial Proceedings.
c. 3.	An Act for the Continuance of Process and Judicial Proceedings.
c. 4.	An Act that this Session of Parliament shall not determine by His Majestie's Royal Assent to this or some other Bills.
13 Car. 2. sess. 2. c. 1.	An Act for the speedy raysing of Mony for His Majestie's service.
c. 2.	An Act that this nor any other Sessions of this Parliament shall determine by His Majestie's Royall Assent to this or any other Bill during this Session.
14 Car. 2. sess. 3. c. 1.	An Act for the Continuances of the Customes, Excise, and New Impost to the five and twentieth day of March next.
14 & 15 Car. 2. sess. 4. c. 6.	An Act for the Grant of Foure entire Subsidies by the Temporallity.
c. 7.	An Act for the Graunts of Eight entire Subsidies by the Temporallitie.
c. 8.	An Act for the Settling of the Excise or New Impost upon His Majestie, his Heirs and Successors, according to the Book of Rates therein inserted.
c. 10. in part.	An Act for real Union and Division of Parishes and concerning Churches, Free Schools, and Exchanges. Except Section Two so far as it relates to Free Schools.
c. 11.	An Act for the Customs, Excise, and New Imposts to be continued until the four and twentieth day of December, one thousand six hundred sixty and two.
c. 15.	Act that this nor any other Sessions of this Parliament shall determine by His Majestie's Royall Assent to this or any other Bill dureing this Session.
c. 17.	An Act for establishing an additional Revenue upon His Majestie, his Heirs and Successors, for the better Support of his and their Crown and Dignity.
c. 18.	An Act for the Improvement of his Majestie's Revenues upon the granting of Licenses for the selling of Ale and Beer.
c. 19. in part.	An Act for taking away the Court of Wards and Liveries and Tenures in Capite, and by Knights Service. Sections Seventeen to Nineteen.
c. 22.	An Act for the raising of twenty-three thousand and five hundred pounds sterling, for the severall Uses therein expressed.
c. 24.	An Act for the granting of Eight Subsidies by the Prelats and Clergy of Ireland.
17 & 18 Car. 2. c. 1.	An Act for the Grant of four entire Subsidies by the Temporalty.

17 & 18 Car. 2.—*cont.*	
c. 3.	An Act for the Confirmation of Marriages.
c. 10.	An Act for disabling of Spiritual Persons from holding Benefices or other Ecclesiastical Dignities in England or Wales and in Ireland at the same Time.
c. 11. in part.	An Act to prevent Delays in extending Statutes, Judgments, and Recognizances. Section Four.
c. 12.	An Act to prevent Arrests of Judgment and superseding Executions.
c. 13.	An Act concerning Tythings, Oblations, and Mortuaries.
c. 17.	An Act for granting Foure entire Subsidies by the Temporallitie for the defence of this His Majestie's Kingdome.
c. 18.	An additional Act for the better ordering and collecting the Revenue arising by Hearth-money.
c. 19.	An Act for the better ordering the selling of Wines and Aqua-vitæ, together with all sorts of strong waters by Retaile.
25 Car. 2. -	Rules, Orders, and Directions, made and established by the Lord Lieutenant and Council for the better regulating the several Cities, Towns, and Corporations therein mentioned, and the electing of Magistrates and Officers therein.
4 Will. & Mary, c. 2.	An Act for Encouragement of Protestant Strangers to settle in this Kingdom of Ireland.
c. 3.	An Act for an additionall Duty of Excise upon Beer, Ale, and other Liquors.
7 Will. 3. c. 1.	An Act for an additional Duty of Excise upon Beer, Ale, and other Liquors.
c. 2. in part.	An Act for taking away the Writ de heretico comburendo. Section Two.
c. 5.	An Act for better securing the Government by disarming Papists.
c. 9. in part.	An Act for the more effectual suppressing of profane Cursing and Swearing. Section Two from "and in case" to "hours." Section Three, the words "the one moyety to the use of the informer", and from "Wherein" to end of that Section. Section Six.
c. 10.	An Act to take away Damage Clear.
c. 13. in part.	An Act for the more easy discharging of Sheriffs upon their Accounts, and from being Justices of the Peace. Sections One and Two. Section Three so far as it relates to the appropriation of penalties, and from "Wherein" to end of that Section.
c. 14.	An Act declaring which Days in the Year shall be observed as Holydays.
c. 15.	An Act for granting a supply to his Majesty by raising Money by a Poll and otherwise.
c. 16.	An Act for granting to his Majesty an Aid or additional Custom on the several Goods and Merchandizes therein mentioned.
c. 17. in part.	An Act for the better Observation of the Lord's Day, commonly called Sunday. Section Six. Section Nine so far as it relates to the appropriation of penalties. Section Eleven.
c. 19.	An Act for granting tales on Tryals to be had in the Court of the County Palatine of Tipperary before the Seneschal.
c. 20.	An Act concerning Fines in the County Palatine of Tipperary.
c. 21.	An Act for the better suppressing Tories, Robbers, and Rapparees, and for preventing Robberies, Burglaries, and other heinous Crimes.
c. 23.	An Act for continuing the Statute for an additional Excise upon Beer, Ale, and other Liquors.
c. 25.	An Act for the Prevention of Vexations and Oppressions by Arrests, and of Delays in Suits of Law.
9 Will. 3. c. 1.	An Act for banishing all Papists exercising any Ecclesiastical Jurisdiction, and all Regulars of the Popish Clergy out of this Kingdom.
c. 4.	*An Act the title of which begins with the words,*—An Act for granting,—*and ends with the words,*—seven hundred and two.
c. 8.	An Act for granting a Supply to His Majesty by raising Money by way of a Poll.
c. 9.	An Act to supply the Defects, and for better Execution of an Act passed this present Session of Parliament, entituled "An Act for the better suppressing "Tories and Rapparees, and for preventing Robberies, Burglaries, and other "heinous Crimes."
c. 12.	An Act for the more easy obtaining Partition of Lands in Coparcenary, Jointenancy, and Tenancy in Common, and bounding and mearing of Lands.

9 Will. 3.—*cont.*	
c. 13. in part.	An Act for avoiding of vexatious Delays caused by removing Actions and Sutes out of inferior Courts. Sections Five and Six.
c. 14.	An Act for Redress of certain Abuses in making Pewter and Brass.
c. 17.	An Act for erecting and continuing Lights in the City of Dublin, and the several liberties adjoining.
10 Will. 3. c. 1.	An Act for the Relief and Release of poor distressed Prisoners for Debt or Damages.
c. 3.	An Act for raising One hundred and twenty thousand Pounds on all Lands, Tenements, and Hereditaments in this Kingdom.
c. 4.	An Act to compleate the Supply to His Majesty, and to build and finish the Barracks in this Kingdom.
c. 5.	An Act for laying an additional Duty upon Woollen Manufactures exported out of this Kingdom.
c. 8. in part.	An Act for the preservation of the Game, and the more easy Conviction of such as shall destroy the same. Section Two, so far as it relates to appropriation of penalty. Section Three, from "in which" to "imparlance," and so far as it relates to appropriation of penalty. Section Four. Section Five, the words "being a Protestant," and so far as it relates to appropriation of penalty. Sections Six and Seven, so far as they relate to appropriation of penalties. Section Eight, to "wild fowl," and so far as it relates to appropriation of penalty. Sections Eleven to Fourteen, so far as they relate to the appropriation of penalties.
c. 13.	An Act to prevent Papists being Solicitors.
2 Anne, c. 1.	An Act for an additional Duty of Excise upon Beer, Ale, and other Liquors.
c. 3.	An Act to prevent Popish Priests from coming into this Kingdom.
c. 4.	*An Act the title of which begins with the words,*—An Act for continuing,—*and ends with the words,*—City of Dublin.
c. 6. in part.	An Act to prevent the further Growth of Popery. Section Twenty-five.
c. 7.	An Act for registering the Popish Clergy.
c. 9.	An Act for quieting Ecclesiastical Persons in their Possessions.
c. 11.	An Act for building several Parish Churches in more convenient Places.
c. 12.	An Act for the reviving an Act for taking away the Benefit of Clergy in some cases, and for transporting Felons.
c. 13.	An Act for continuing two Acts against Tories, Robbers, and Rapparees.
c. 15. in part.	An Act to prohibit Butchers from being Graziers, and to redress several Abuses in buying and selling of Cattle, and in the slaughtering and packing of Beef, Tallow, and Hides. Section Six, from "and that no master," to "earnest as aforesaid," and so far as it relates to appropriation of penalty. Sections Eight and Eighteen.
c. 18.	An Act for the recovery of Small Debts in a Summary way before the Judges of Assize.
4 Anne, c. 1.	An Act for granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, Tobacco, Callicoes, Linnens, Muslins, and other Goods and Merchandizes.
c. 2.	An Act to explain and amend an Act intituled "An Act for registring the "popish Clergy."
c. 3.	An Act to repeal an Act intituled "An Act for the advancement of the Trade of Linnen Manufacture."
c. 8. in part.	An Act to regulate the taking and exacting Tolls throughout this Kingdom, and to prevent engrossing Coals in the City of Dublin. Section Four, from "in which" to end of that section. Section Ten, from "This Act" to end of that section.
c. 10.	An Act to prevent Fees being taken in certain Cases.
c. 11. in part.	An Act against Horse-stealing, and to prevent the buying and selling of stolen Horses, and for punishing all Accessaries to Felons. Section Four, so far as it relates to appropriation of penalties. Section Six, from "This Act" to the end of that Section.

4 Anne—*cont.*	
c. 12. in part.	An Act to repeal the Statute made in the Fifth of Henry the Fourth against multiplying Gold and Silver; and to prevent Disputes and Controversies concerning Royal Mines. Sections One and Five to the end of the Act.
c. 13.	An Act for the Relief of poor Prisoners for Debt.
c. 14. in part.	An Act for regulating the Weights used in this Kingdom; and that Salt and Meal shall be sold by Weight. Section Eight, so far as it relates to appropriation of penalties. Sections Nine and Fifteen.
6 Anne, c. 1.	An Act for granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, Tobacco, Callicoes, Linens, Muslins, and other Goods and Merchandizes.
c. 3.	An Act for continuing an Act made in the Ninth Year of the late King William, intituled "An Act for the more easy obtaining Partitions of Lands in "Coparcenary, Joint-tenancy, and Tenancy in common, and bounding and "mearing of Lands."
c. 5.	An Act for the amending and continuing an Act made in the Second Year of the Reign of Her Most Excellent Majesty, intituled "An Act for the Recovery "of Small Debts in a Summary Way before the Judges of Assize."
c. 6.	An Act to explain and amend an Act, intituled "An Act to prevent Papists "being Sollicitors."
c. 10. in part.	An Act for the Amendment of the Law, and the better Advancement of Justice. Sections Fifteen and Sixteen; and Section Twenty-one, from "and shall" to "Tipperary."
c. 12. in part.	An Act for the continuing and perpetuating of divers Laws and Statutes heretofore temporary, and for amending of the Law in relation to Butter Casks. Section One, the words "An Act for lessening the Duty on Rape Seed "to be exported, and also one other Act intituled."
c. 13.	An Act to impower Justices of the Peace to determine Disputes about Servants Wages, and to oblige Masters to pay the same, and to punish idle and disorderly Servants.
c. 14. in part.	An Act to prevent the Disorders that may happen by the marching of Soldiers, and for providing Carriages for the Baggage of Soldiers in their March. Sections Three to Seven; Section Nine; Section Ten, so far as it relates to the appropriation of penalties.
c. 17. in part.	An Act for suppressing Lotteries and Gaming Tables. Section One, from "other than" to "longer"; Section Two, so far as it relates to appropriation of penalty.
c. 18.	An Act for Encouraging the Exportation of Corn.
8 Anne, c. 1.	An Act for the better securing to Her Majesty the payment of such Duties as shall be granted to Her Majesty this Session of Parliament.
c. 2.	An Act for granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, Callicoes, Linnens, and other Goods and Merchandizes, and also a Duty on Rock Salt.
c. 4. in part.	An Act to enable Posthumous Children to take Estates as if born in their Fathers' Lifetime. Section Two.
c. 5. in part.	An Act to prevent Delays of Proceedings at the Assizes and Sessions. Section Five.
c. 7.	An Act for the better preventing Escapes out of the Prison of the Marshalsea of the Four Courts.
9 Anne, c. 1.	An Act for the better securing to Her Majesty the Payment of such Duties as shall be granted to Her Majesty this Session of Parliament.
c. 2.	An Act for granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, Tobacco, and other Goods and Merchandizes.
c. 6. in part.	An Act for taking away the Benefit of Clergy in certain Cases; and for taking away the Book in all Cases; and for repealing part of the Statutes for transporting Felons. Section Eight.
c. 7. in part.	An Act for amending and making perpetual an Act, intituled "An Act to "prohibit Butchers from being Graziers, and to redress several Abuses in "buying and selling of Cattle, and in the slaughtering and packing of "Beef, Tallow, and Hides." Section One, so far as it relates to appropriation of penalty. Section Two.

9 Anne—*cont.*	
c. 8. in part.	An Act for the better securing of Rents, and to prevent Frauds committed by Tenants. Sections Three, Four, Six.
c. 10.	An Act for the Relief of Insolvent Debtors now in Confinement.
c. 11.	An Act to prevent the maiming of Cattle.
11 Anne, c. 1.	An Act for granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, Tobacco, and other Goods and Merchandizes.
c. 4.	An Act for the more effectual preventing the Ingrossing, Forestalling, and Regrating of Coals imported into this Kingdom.
c. 6. in part.	An Act for suppressing Lotteries. Section Two, so far as it relates to the appropriation of penalties. Section Three, from "wherein" to "allowed", and so far as it relates to appropriation of penalties.
c. 8. in part.	An Act for explaining and amending several Statutes for prohibiting Under-Sheriffs and Sheriffs Clerks from officiating as Sub-Sheriffs or Sheriffs Clerks more than one year. Sections Two and Four; Section Five, so far as it relates to appropriation of penalty. Section Six.
2 Geo. 1. c. 1.	An Act for granting to His Majesty an additional Duty on Beer, Ale, Strong Waters, Tobacco, and other Goods and Merchandizes.
c. 2.	An Act for recognising His Majesty's Title to the Throne of Great Britain, France, and Ireland.
c. 3.	An Act for granting to His Majesty an additional Duty on all Wines and Strong Waters, and Spirits perfectly made, and on all Spirits made and distilled of Wine; and also a Tax on Salaries, Profits of Imployments, Fees, and Pensions therein mentioned.
c. 4.	*An Act the title of which begins with the words,*—An Act to attaint,—*and ends with the words,*—attempts to land in this Kingdom.
c. 5. in part.	An Act for preventing Mischiefs that may happen by Fire. Section Four.
c. 7.	An Act for continuing to His Majesty the additional Duty on Beer, Ale, Strong Waters, Tobacco, and other Goods and Merchandizes.
c. 8. in part.	*An Act the title of which begins with the words,*—An Act for extinguishing the Regalities and Liberties of the County of Tipperary,—*and ends with the words,*—in this Kingdom. Section Four to the end of the Act.
c. 12.	An Act to encourage the draining and improving the Bogs and unprofitable Low Grounds, and for easing and dispatching the Inland Carriage and the conveyance of Goods from one part to another within the Kingdom.
c. 14.	An Act for real Union and Division of Parishes.
c. 16. in part.	*An Act the title of which begins with the words,*—An Act for the more effectual Amendment of the Law in relation to Butter,—*and ends with the words,*—Tallow and Hides. Sections Five and Six, so far as they relate to appropriation of penalties; Section Eight; Section Nine, so far as it relates to appropriation of penalty, and from "and in case" to "conviction shall be."
c. 17. in part.	An Act to impower Justices of the Peace to determine Disputes about Servants, Artificers, Day Labourers, Wages, and other small Demands, and to oblige Masters to pay the same, and to punish idle and disorderly Servants. Section Two, from "put such" to "six hours, or"; Section Three, from "or put" to the end of that section; Section Five, from "and whipt" to the end of that section; Section Six, so far as it relates to appropriation of penalty; Section Seven, from "and also" to the end of that section; Section Eight; Sections Eleven to Fourteen; Section Fifteen, from "or to put" to "complained of"; Sections Twenty to Twenty-three.
c. 18.	An Act for preventing Abuses and Deceits in His Majesty's Revenue, by the importing of Brandy in small quantities.
c. 19. in part.	An Act for the more effectual preventing fraudulent Conveyances in order to multiply votes for electing Members to serve in Parliament, and for preventing the irregular Proceedings of Sheriffs and other officers in electing and returning such Members. Section Nine.

2 Geo. 1.—*cont.*	
c. 20.	An Act to limit the Time for criminal Prosecutions for words spoken.
in part.	Section Four.
c. 23.	An Act for the Relief of Insolvent Debtors.
c. 24.	An Act for changing the Scite and New Building of the Parish Church of St. Werburgh's in the City of Dublin.
4 Geo. 1. c. 1.	An Act for continuing to His Majesty the additional Duties on Beer, Ale, Strong Waters, Tobacco, and other Goods and Merchandizes.
c. 2.	*An Act the title of which begins with the words,*—An Act for continuing to His Majesty an additional Duty on all Wines,—*and ends with the words,*—Interest thereof.
c. 3.	An Act for taking away the Oath, commonly called the Little Oath, on Members of Corporations by the new Rules.
c. 7.	*An Act the title of which begins with the words,*—An Act for vesting,—*and ends*
in part.	*with the words,*—Soldiers in their march.
	Sections One, Two, Six.
c. 8.	An Act to oblige all Officers to return a List of their Fees by a Day certain.
in part.	Section One.
c. 9.	An Act for reviving, continuing, and amending several Statutes made in this
in part.	Kingdom heretofore temporary.
	Section Six to the end of the Act.
c. 10.	An Act for limiting certain Times within which Writs of Error shall be brought for the reversing Fines and Common Recoveries.
c. 11.	An Act for the better Amendment of the Pavements, and more effectual cleansing the Streets of the City of Dublin, and for removing Encroachments or Nuisances that are or shall be erected therein, and preventing Mischiefs occasioned by Drivers of Carts, Drays, or Cars riding thereon, and for regulating the selling of Hay in the City of Dublin and Liberties thereunto adjoining.
6 Geo. 1. c. 1.	An Act for abbreviating Michaelmas Term and settling the Commencement thereof.
c. 3.	An Act for continuing and amending an Act, intituled "An Act to make the "Militia of this Kingdom more useful."
c. 4.	*An Act the title of which begins with the words,*—An Act for continuing to His Majesty the additional Duties on Beer,—*and ends with the words,*—the Interest thereof.
c. 5.	An Act for exempting the Protestant Dissenters of this Kingdom from certain
in part.	Penalties to which they are now subject.
	Sections Four to Seven, and Fifteen.
c. 6.	An Act to prevent Delays in Writs of Error, and for the further Amendment of
in part.	the Law.
	Sections Five to Seventeen.
c. 10.	An Act for the better regulating the Parish Watches and amending the Highways in this Kingdom; and for the preventing the Misapplication of Publick Money.
c. 11.	An Act for better securing the Rights of Advowson and Presentation to Ecclesiastical Benefices.
c. 12.	An Act for the better and more effectual apprehending and transporting Felons and others; and for continuing and amending several Laws made in this Kingdom for suppressing Tories, Robbers, and Rapparees.
c. 13.	An Act for the better Maintenance of Curates within the Church of Ireland.
c. 14.	An Act for amending and enforcing a Clause contained in an Act to enable Restitution of Impropriations, and Tithes and other Rights ecclesiastical to the Clergy, with a Restraint of aliening the same, and Direction for Presentation to the Churches.
c. 15.	An Act for the more effectual Amendment of the Pavements of the several
in part.	Counties of Cities and Counties of Towns in this Kingdom; and for preventing Mischiefs that may happen by Fire in the City of Dublin; and for augmenting the Number of Hackney Coaches and Chairs in the said City.
	Section Five, and Sections Ten to Thirteen.
c. 17.	An Act for the Relief of Insolvent Debtors.
c. 18.	An Act for erecting and continuing Lights in the City of Dublin and the several Liberties adjoining; and also in the Cities of Cork and Limerick, and Liberties thereof.

8 Geo. 1. c. 1.	*An Act the title of which begins with the words,*—An Act for granting and continuing to His Majesty the additional Duties,—*and ends with the words,*—Interest thereof.
c. 3.	An Act to oblige Ships coming from infected Places more effectually to perform their Quarantine; and for the better preventing the Plague being brought from Foreign Parts into this Kingdom.
c. 5. in part.	An Act to oblige Proprietors and Tenants of neighbouring Lands to make Fences between their several Lands and Holdings. Section One, from "before the Justices of assize" to "the said county."
c. 6. in part.	An Act for the further Amendment of the Law, and for continuing and amending several Acts near expiring. Sections Two, Seven, Eight, and Ten to Twelve.
c. 7.	An Act for the further Amendment of the Laws in relation to Butter and Tallow Casks, Hides, and other Commodities of this Kingdom, and for preventing the Destruction of Salmon.
c. 9.	*An Act the title of which begins with the words,*—An Act for amending an Act, intituled "An Act for the better and more effectual apprehending and "transporting Felons,"—*and ends with the words,*—His Majesty's Licence.
c. 10.	An Act for continuing and amending an Act, intituled "An Act for the better "regulating the Parish Watches and amending the Highways in this "Kingdom; and for preventing the Misapplication of Public Money."
c. 12. in part.	An Act for the better enabling of the Clergy having Cure of Souls to reside upon their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of Ireland. Sections Nine and Ten.
c. 15. in part.	An Act for explaining and amending Two several Acts in relation to the Publick Registring of all Deeds, Conveyances, and Wills. Section Three, from "for each" to "taken."
c. 16.	An Act for amending an Act, intituled "Act for erecting Lights in the City of "Dublin and the several Liberties adjoining; and also in the Cities of Cork "and Limerick, and Liberties thereof."
10 Geo. 1. c. 1.	*An Act the title of which begins with the words,*—An Act for granting,—*and ends with the words,*—Interest thereof.
c. 3.	An Act for continuing and amending an Act, intituled "An Act for the better "regulating the Parish Watches and amending the Highways in this King-"dom; and for preventing the Misapplication of Public Money; and also "for establishing a regular Watch in the City of Dublin; and to prevent "Mischiefs which may happen by graving Ships in the River Liffey."
c. 4.	An Act for continuing several temporary Statutes made in this Kingdom, and now near expiring.
c. 6.	*An Act the title of which begins with the words,*—An Act for explaining and amending an Act, intituled "An Act for real Union and Division of Parishes, —*and ends with the words,*—the same uses.
c. 8.	An Act for accepting the solemn Affirmation or Declaration of the people called Quakers, in certain cases, instead of an Oath in the usual Form.
c. 9.	An Act for continuing and amending of the Laws in relation to Butter and Tallow, and the Casks in which such goods are to be made up, and in relation to the curing of Hides, and making up of Beef and Pork for Exportation; and for preventing the Destruction of Salmon.
c. 10. in part.	An Act for regulating Abuses committed in buying and selling of Cattle and Sheep in the several Markets in this Kingdom. Section One, so far as it relates to appropriation of penalty, and from "and that any person" to the end of the section; Section Four, from "and paid" to the end of the section; Sections Seven and Eight.
c. 11.	An Act for the Relief of Insolvent Debtors.
12 Geo. 1. c. 1.	*An Act the title of which begins with the words,*—An Act for granting and continuing to His Majesty the additional Duties on Beer,—*and ends with the words,*—Interest thereof.
c. 2.	An Act to prevent the fraudulent and clandestine importing of Goods.
c. 3. in part.	An Act to prevent Marriages by Degraded Clergymen and Popish Priests; and for preventing Marriages consummated from being avoided by pre-contracts; and for the more effectual punishing of Bigamy. Sections Two and Three.
c. 4. in part.	An Act for the better regulating the office of Sheriffs, and for the ascertaining their Fees, and the Fees for suing out their Patents and passing their Accounts.

12 Geo. 1. c. 7 in part—*cont.*	Section One; Section Seven, so far as it relates to appropriation of penalty, "and from in which" to "imparlance"; Section Fifteen; and the Schedule.
c. 5.	An Act for explaining and amending an Act, intituled "An Act for continuing and amending the Laws in relation to Butter and Tallow, and the Casks in which such Goods are to be made up; and in relation to the curing of Hides, and in making up of Beef and Pork for Exportation; and for preventing the Destruction of Salmon."
c. 6.	An Act for continuing several temporary Statutes made in this Kingdom, now near expiring; and for allowing further time to Persons in offices to qualify themselves pursuant to an Act, intituled "An Act to prevent the further Growth of Popery."
c. 8.	An Act for the more effectual transporting Felons and Vagabonds.
c. 9.	An Act for the more effectual erecting and better regulating of Free Schools, and for rebuilding and repairing of Churches.
c. 10. in part.	An Act to amend and explain an Act, intituled "An Act to encourage building of Houses and other Improvements on Church Lands, and to prevent Dilapidations." Section Twelve to the end of the Act.
1 Geo. 2. c. 1.	*An Act the title of which begins with the words,*—An Act for granting and continuing to His Majesty the additional Duties on Beer,—*and ends with the words,*—and Cocoa Nuts.
c. 4.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty an additional Duty on Beer,—*and ends with the words,*—Interest thereof.
c. 5.	An Act for accepting the solemn Affirmation or Declaration of the People called Quakers, instead of an Oath in the usual Form.
c. 6.	An Act for the more effectual preventing several Frauds and Abuses committed in His Majesty's Customs and Excise, and for settling the Rates of certain Goods and Merchandizes not particularly valued in the Book of Rates.
c. 7.	An Act to continue the Parliament for the time being on the Demise of His present most Gracious Majesty, or any of his Heirs or Successors, for the Term of Six Months from the Day of the said Demise; and likewise to prevent the Publick Funds from expiring during the said Term.
c. 8. in part.	An Act for preventing Inconveniences that may happen by Privilege of Parliament. The last Section.
c. 9.	An Act for the further regulating the Election of Members of Parliament, and preventing the irregular Proceedings of Sheriffs and other Officers in electing and returning such Members.
c. 12.	An Act for the more easy Recovery of Tythes and other Ecclesiastical Dues of small Value.
c. 15.	An Act for rendering more effectual an Act, intituled "An Act for the better enabling of the Clergy having Cure of Souls to reside upon their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of Ireland."
c. 16.	An Act for regulating the Price and Assize of Bread and the Markets.
c. 17.	An Act for continuing several temporary Statutes made in this Kingdom, now near expiring.
c. 18. in part.	*An Act the title of which begins with the words,*—An Act to enable Archbishops, Bishops, and other Ecclesiastical Persons and Corporations to grant their patronage,—*and ends with the words,*—improving their Woods. Sections Seventeen and Eighteen.
c. 19.	An Act for repealing a Clause in an Act, intituled "An Act for real Union and Division of Parishes;" and for settling the Method of obtaining the King's Majesty's Consent for removing the Situation of Churches, the Patronage whereof is in the Crown.
c. 22. in part.	An Act for explaining and amending an Act, intituled "An Act for the better Maintenance of Curates within the Church of Ireland." Sections Two and Three.
c. 23.	An Act for the better securing the Rights of Advowson and Presentation to Ecclesiastical Benefices.
c. 25.	An Act for the Relief of Insolvent Debtors.
c. 26.	An Act for the more speedy and effectual inclosing the Strand on the North Side of the River Anna-Liffey, near the city of Dublin.

1 Geo. 2.—*cont.*	
c. 27. in part.	An Act for the better regulating the Workhouse of the City of Dublin, and to regulate and provide for the Poor thereof; and to prevent Mischiefs which may happen by keeping Gunpowder within the said City. Sections Thirty-one to Thirty-four.
3 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—principal Sum.
c. 3.	*An Act the title of which begins with the words,*—An Act for the Encouragement of Tillage, —*and ends with the words,*—out of this Kingdom for England.
c. 4. in part.	An Act for the more effectual preventing and further Punishment of Forgery, Perjury, and Subornation of Perjury, and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money, and for the more effectual transporting Felons, Vagabonds, and others. Sections Four to Eight.
c. 5.	An Act for continuing several temporary Statutes made in this Kingdom, and now near expiring, and for the Amendment of other Statutes therein mentioned.
c. 6.	An Act for allowing further time to Persons in Offices to qualify themselves pursuant to an Act, intituled "An Act to prevent the further Growth of "Popery."
c. 7.	An Act for the better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin; and for the greater Security of Purchasers.
c. 8.	An Act to enable His Majesty to purchase in the respective Interests of the several Persons intitled to the Houses and Grounds adjoyning to the new Parliament House.
c. 9. in part.	*An Act the title of which begins with the words,*—An Act for the further explaining and amending several Statutes for prohibiting Under Sheriffs,—*and ends with the words,*—unable to pay their Fees. Section One; Sections Two and Three, the words "wherein no essoin, "priviledge, protection, or wager of law shall be allowed." Sections Five to Seven.
c. 10.	An Act for explaining and amending an Act intituled "An Act to prevent the "Disorders that may happen by the marching of Soldiers, and for providing "Carriages for the Baggage of Soldiers on their March."
c. 11.	An Act for better keeping Churches in Repair.
c. 14. in part.	An Act to prevent unlawful Combinations of Workmen, Artificers, and Labourers, employed in the several Trades and Manufactures of this Kingdom, and for the better Payment of their Wages; as also to prevent Abuses in making of Bricks, and to ascertain their Dimensions. Sections Two to Six. Sections Eleven to Sixteen.
c. 15. in part.	An Act for the more speedy Tryal of Criminals in the County of the City of Dublin, and County of Dublin. Section Three, from "the gaol" to "and that".
c. 16.	An Act for the better regulating the Fees of Justices of the Peace, and for disabling Alderman Thomas Wilkinson and Alderman Thomas Bolton from acting as Justices of the Peace within this Kingdom.
c. 20.	An Act for the relief of Insolvent Debtors.
c. 22.	An Act for explaining and amending an Act made in the Sixth Year of the Reign of His late Majesty King George the First, intituled "An Act for "erecting and continuing Lights in the City of Dublin, and the several "Liberties adjoining, and also in the Cities of Cork and Limerick, and "Liberties thereof."
5 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	An Act for the better securing and collecting His Majesty's Revenue.

5 Geo. 2.—*cont.*	
c. 4. in part.	An Act for the further explaining and amending the several Laws for preventing Frauds committed by Tenants; and for the more easy Renewal of Leases; and for the further Amendment of the Laws in certain Cases therein mentioned. Sections Five, Six, and Nine.
c. 5.	An Act for allowing further Time to Persons in Offices to qualify themselves pursuant to an Act, intituled "An Act to prevent the further Growth of "Popery."
c. 6.	An Act for continuing several temporary Statutes made in this Kingdom, and now near expiring, and for the Amendment of the Statutes therein mentioned.
c. 9. in part.	An Act to encourage the Improvement of barren and waste Land and Bogs, and planting of Timber Trees and Orchards. Sections Six to Eight.
c. 13.	An Act for the better Regulation and Government of Seamen in the Merchants' Service.
7 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	*An Act the title of which begins with the words,*—An Act for continuing and amending an Act, intituled "An Act for the more effectual preventing several Frauds,—*and ends with the words,*—Collection thereof.
c. 4.	An Act for allowing further Time to Persons in Offices or Employments to qualify themselves pursuant to an Act intituled "An Act to prevent the "further Growth of Popery."
c. 5. in part.	An Act for the Amendment of the Law in relation to Popish Solicitors; and for remedying other mischiefs in relation to the Practitioners in the several Courts of Law and Equity. Except Section Nine, so far as relates to Attorneys or Solicitors.
c. 6.	An Act to prevent Persons converted from the Popish to the Protestant Religion, and married to Popish Wives, or educating their Children in the Popish Religion, from acting as Justices of the Peace.
c. 7.	An Act for continuing several temporary Statutes, and for other Purposes therein mentioned.
c. 9. in part.	An Act to prevent Frauds and Abuses in Bay Yarn exported to Great Britain. Sections One, Two, and Six.
c. 12.	*An Act the title of which begins with the words,*—An Act to enable the Commissioners appointed to put in execution an Act for the Encouragement of Tillage,—*and ends with the word,*—Administrators.
c. 13.	An Act to encourage the Home Consumption of Wooll, by burying in Woollen only.
c. 14. in part.	*An Act the title of which begins with the words,*—An Act for the Relief of Mortgagees,—*and ends with the words,*—Solicitors. Section Seven.
c. 15.	*An Act the title of which begins with the words,*—An Act for the buying and selling of all Sorts of Corn,—*and ends with the words,*—Markets.
c. 17.	*An Act the title of which begins with the words,*—An Act for making more effectual an Act,—*and ends with the words,*—Queen's County.
9 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	An Act for the better regulating of Juries.
c. 5.	An Act for the more effectual assigning of Judgments, and for the more speedy Recovery of Rents by Distress.
c. 6. in part.	An Act for continuing and amending several Statutes now near expiring. Sections One to Four, Six to Nine, and Eleven.
c. 10.	An Act for preventing Frauds and Abuses committed in the making and vending unsound, adulterated, and bad Drugs and Medicines.
c. 16.	An Act for accepting the solemn Affirmation or Declaration of the People called Quakers, instead of an Oath in the usual Form.

9 Geo. 2.—*cont.*	
c. 20.	An Act for the Relief of Insolvent Debtors.
11 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	An Act for continuing and amending several Laws heretofore made relating to His Majesty's Revenue, and the more effectual preventing the running of Goods.
c. 6. in part.	An Act that all Proceedings in Courts of Justice within this Kingdom shall be in the English Language. Sections Three, Four, Seven, and Eight.
c. 10.	An Act for allowing further Time to Persons in Offices to qualify themselves pursuant to an Act, intituled "An Act to prevent the further Growth of "Popery; and for giving further Ease to Protestant Dissenters with respect "to Matrimonial Contracts."
c. 11.	*An Act the title of which begins with the words,*—An Act for the buying and selling of all Sorts of Corn,—*and ends with the words,*—Markets.
c. 12.	An Act for the better Preservation of the Game.
c. 13.	An Act for reviving, continuing, and explaining, and amending several temporary Statutes, and for other purposes therein mentioned.
c. 14.	An Act for the further Improvement and Encouragement of the Fishery of this Kingdom.
c. 16.	An Act for the Relief of Insolvent Debtors.
c. 19.	An Act for the further explaining and amending the several Acts of Parliament now in Force for erecting Lamps in the City of Dublin and Liberties thereof.
13 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	An Act for continuing and amending several Laws heretofore made relating to His Majesty's Revenue, and for the more effectual preventing of Frauds in His Majesty's Customs and Excise.
c. 4.	An Act for the continuing several temporary Statutes.
c. 5.	An Act to continue and amend an Act made in the Ninth Year of the Reign of His present Majesty, intituled "An Act for the better regulating of Juries."
c. 6.	An Act to explain, amend, and make more effectual an Act passed in the Seventh Year of the Reign of His late Majesty King William the Third of Glorious Memory, intituled "An Act for the better securing the Government by dis-"arming Papists."
c. 7.	An Act for allowing further Time to Persons in Offices or Employments to qualify themselves pursuant to an Act, intituled "An Act to prevent the "further Growth of Popery."
c. 8. in part.	An Act for the more effectual preventing of excessive and deceitful Gaming. Sections One and Three, so far as they relate to the appropriation of penalties. Section Four, from "in which action" to end of that section. Section Nine, from "one moiety" to "same unto," and from "in which action," to "allowed". Sections Twelve and Thirteen.
c. 9. in part.	*An Act the title of which begins with the words,*—An Act for explaining and amending an Act for the relief of Mortgagees,—*and ends with the words,*—younger children. Sections One and Four.
c. 12. in part.	An Act for continuing and amending the Laws now in force in relation to Butter and Tallow, and the Casks in which such Goods are to be made up, and for the Curing of Hides and making up Beef and Pork for Exportation; and for preventing the Destruction of Salmon. Except Section Six.
15 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, and other Goods and Merchandizes therein mentioned.

15 Geo. 2.—*cont.*	
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	An Act for continuing and amending several Laws heretofore made relating to His Majesty's Revenue, and for the more effectual preventing frauds in His Majesty's Customs and Excise.
c. 6.	An Act for continuing and amending several Statutes now near expiring, and for other purposes therein mentioned.
c. 8. in part.	An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants. Section Three, from " wherein " to end of that section. Section Eleven.
c. 11.	*An Act the title of which begins with the words,*—An Act to revive and amend an Act made in the Sixth Year of His late Majesty King George the First, intituled " An Act for erecting and continuing Lights in the City of Dublin," —*and ends with the words,*—Liberties thereof.
17 Geo. 2. c. 1.	An Act for granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, Hides, and other Goods and Merchandizes herein mentioned.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty a further additional Duty on Wine,—*and ends with the words,*—Principal Sums.
c. 4. in part.	An Act for the more effectual Transportation of Felons and Vagabonds. Section Two.
c. 5. in part.	An Act to amend and make more effectual the Laws to prevent the Maiming, Killing, and Destroying of Cattle, and to prevent Frauds committed by Butchers dressing Meat for Sale. Sections Two and Three. Section Four, so far as it relates to Seneschals, and the appropriation of penalties.
c. 6.	*An Act the title of which begins with the words,*—An Act to take away the Benefit of Clergy,—*and ends with the words,*—other Robbers.
c. 8. in part.	An Act for continuing several Statutes now near expiring, and for amending other Statutes, and for other Purposes therein mentioned. Sections Two, Four, and Five. Section Six, the words " to be paid to the informer, and ".
c. 9.	An Act for allowing further Time to Persons in Offices or Employments to qualify themselves pursuant to an Act, intituled " An Act to prevent the " further Growth of Popery."
c. 10. in part.	An Act to prevent the pernicious Practice of burning Land, and for the more effectual destroying of Vermin. Sections Eight and Nine.
c. 12.	An Act to oblige Ships coming from Places infected more effectually to perform their Quarantine, and for the better preventing the Plague being brought from Foreign parts into Ireland, and to hinder the spreading of Infection.
19 Geo. 2. c. 1.	*An Act the title of which begins with the words,*—An Act to make it High Treason to hold Correspondence with the Sons of the Pretender,—*and ends with the words,*—this Kingdom.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting and continuing to his Majesty an additional Duty on Beer,—*and ends with the words,*—Great Britain.
c. 3.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty an additional Duty on Wine,—*and ends with the words,*—Principal Sums.
c. 4.	An Act for continuing and amending several Laws heretofore made relating to His Majesty's Revenue, and for the more effectual preventing of Frauds in His Majesty's Customs and Excise.
c. 5.	An Act for Licensing Hawkers and Pedlars; and for the Encouragement of English Protestant Schools.
c. 6. in part.	An Act for repealing the several Acts of Parliament made in this Kingdom for the Encouragement and Improvement of the Hempen and Flaxen Manufactures; and for the better regulating, improving, and encouraging the said Manufactures. Section One.

19 Geo. 2.—*cont.*	
c. 7. in part.	An Act for the more effectual preventing His Majesty's Subjects from entering into Foreign Service; and for publishing an Act of the seventh year of King William the Third, intituled "An Act to prevent Foreign "Education." Section Six.
c. 8.	An Act for allowing further Time to persons in Offices or Employments to qualify themselves pursuant to an Act, intituled "An Act to prevent the "further Growth of Popery."
c. 9.	An Act to continue and amend an Act passed in the Second Year of the Reign of His late Majesty King George the First, intituled "An Act to make the "Militia of this Kingdom more useful."
c. 10.	An Act for continuing and amending the several Acts for the better regulating of Juries.
c. 12. in part.	An Act for the better regulating of Corporations. Section Fourteen.
c. 13. in part.	*An Act the title of which begins with the words,*—An Act for annulling all Marriages to be celebrated by any Popish Priest,—*and ends with the words,*—Parents or Guardians. Section Three.
c. 14.	An Act for explaining an Act passed in the Seventh Year of His late Majesty King William the Third, intituled "An Act for the Preservation of "the Game, and the more easy Conviction of such as shall destroy the "same."
c. 15.	An Act for reviving and continuing several temporary Statutes.
c. 17.	*An Act the title of which begins with the words,*—An Act for continuing and amending an Act, intituled "An Act for the buying and selling of all sorts of Corn,"—*and ends with the word,*—Markets.
21 Geo. 2. c. 1.	*An Act the title of which begins with the words,*—An Act for granting and continuing to His Majesty an additional Duty on Beer,—*and ends with the words,*—Great Britain.
c. 2.	*An Act the title of which begins with the words,*—An Act for granting to His Majesty an additional Duty on Wine,—*and ends with the words,*—Principal Sum.
c. 3.	An Act for Licensing Hawkers and Pedlars; and for the Encouragement of English Protestant Schools.
c. 4.	An Act for continuing and amending several Laws heretofore made relating to His Majesty's Revenue, and for the more effectual preventing of Frauds in His Majesty's Customs and Excise.
c. 5.	An Act for allowing further Time to Persons in Offices or Employments to qualify themselves pursuant to an Act, intituled "An Act to prevent the "further Growth of Popery."
c. 6.	An Act for amending the several Acts for the better regulating of Juries.
c. 7.	An Act for reviving, continuing, and amending several temporary Statutes.
c. 8.	*An Act the title of which begins with the words,*—An Act for disappropriating Benefices,—*and ends with the words,*—Cathedral Churches.
c. 9.	*An Act the title of which begins with the words,*—An Act to amend and make more effectual an Act passed in the Fourth Year of the Reign of His late Majesty King George the First, intituled "An Act for vesting in His "Majesty,"—*and ends with the words,*—Soldiers in their March.
c. 10. in part.	*An Act the title of which begins with the words,*—An Act to amend and make more effectual an Act, intituled "An Act for better regulating Elections,"—*and ends with the words,*—this Kingdom. Section Eight.
c. 11.	An Act for amending the Laws in relation to Fines and Common Recoveries; and for better securing the Rights of Purchasers under Sales made in pursuance of Decrees in the several Courts of Equity in this Kingdom.

CHAPTER 58.

An Act for further regulating the use of Locomotives on Highways in Scotland. [16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Locomotives Amendment (Scotland) Act, 1878.

Application and duration of Act.

2. This Act shall apply to Scotland only, and shall remain in force so long only as the Locomotive Act, 1865, continues in force.

Weight of locomotives and construction of wheels. 24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

3. Section three of the Locomotive Act, 1861, and section five of the Locomotive Act, 1865, are hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted that it shall not be lawful to use on any highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

(1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased; but in such case the width of such tires shall not be less than fourteen inches; and

(3.) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and

(4.) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.

(5.) The exact and true weight of a locomotive, including necessary water and coals, shall be legibly written in letters of not less than one inch in length, and affixed to some conspicuous part of the locomotive.

The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding five pounds: Provided that the road authority of any county or burgh may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any highway within the areas respectively above mentioned, or part of any such highway, under such conditions (if any) as to them may appear desirable: Provided also, that sub-section (2.) of this section shall not apply to any engines in use at the time of the passing of this Act, the owner of

which notifies in writing, within six calendar months of the passing of this Act, to the road authority of the county or burgh in which such engine is in use that it was in use at that time.

Amendment of section three of 28 & 29 Vict. c. 83.

4. The paragraph numbered "secondly" of section three of the Locomotive Act, 1865, is hereby repealed, so far as relates to Scotland, and in lieu thereof the following paragraph is hereby substituted; namely,

"Secondly, one of such persons, while the locomotive is in "motion, shall accompany the locomotive on foot, and shall in "case of need assist horses, and carriages drawn by horses, "passing the same."

Steam locomotives to consume their smoke. 24 & 25 Vict. c. 70.

5. Section eight of the Locomotive Act, 1861, is hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted, that every locomotive used on any highway shall be constructed on the principle of consuming its own smoke; and any person using any locomotive not so constructed, or not consuming, so far as practicable, its own smoke, shall be liable to a fine not exceeding five pounds for every day during which such locomotive is used on any such highway.

Road authority may make byelaws as to hours during which locomotives may pass over roads. 28 & 29 Vict. c. 83.

6. Section eight of the Locomotive Act, 1865, is hereby repealed, so far as relates to Scotland, and in lieu thereof be it enacted, that the road authority of any county or burgh may make byelaws as to the hours during which locomotives are not to pass over the highways situate within the areas respectively above mentioned, the hours being in all cases consecutive hours and no more than eight out of the twenty-four, and for regulating the use of locomotives upon any highway, or preventing or regulating such use upon every bridge where such authority is satisfied that such use would be attended with damage to the public from the narrowness, inclination, or imperfect construction of such highway or bridge respectively; and any person in charge of a locomotive acting contrary to such byelaws shall be liable to a fine not exceeding five pounds.

Confirmation of byelaws.

7. A byelaw made under this Act, and any alteration made therein and any repeal of a byelaw, shall not be of any validity until it has been submitted to and confirmed by the Secretary of State.

A byelaw made under this Act shall not nor shall any alteration therein or addition thereto or repeal thereof be confirmed until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the authority making the same in one or more local newspapers circulating in their county or district.

Recovery and application of penalties. 27 & 28 Vict. c. 53. 38 & 39 Vict. c. 62.

8. All penalties under this Act may be recovered, together with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the road authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the road authority, as the sheriff or justice of the peace or magistrate shall direct.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable under this Act shall, failing payment thereof, immediate or within a specified time, as the case may be, and expenses, be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant may be in the form No. 3 of Schedule K. of the Summary Procedure Act, 1864.

27 & 28 Vict. c. 53.

Interpretation of terms.

9. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction:

"The Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

"Sheriff" shall include sheriff-substitute:

"County" shall mean the county, exclusive of any burgh wholly or partly situated therein, and shall not include a county of a city:

"Burgh" shall have the same meaning as it has in the Act of Parliament, as the case may be, regulating the management of the highway to which it is sought to apply the provisions of this Act:

"Road authority of a county" means, as respects counties in which tolls have been abolished or are not eligible, the trustees acting under the Roads and Bridges (Scotland) Act, 1878, or under the Local Act for the county, as the case may be, and as regards other counties, the justices of the peace of the county in general or quarter sessions assembled:

41 & 42 Vict. c. 81.

"Road authority of a burgh" means the authority having the management of the highway within the burgh to which it is sought to apply the provisions of this Act:

"Highway" means and includes any road, street, or bridge maintained out of public funds derived from tolls or assessments or other sources of revenue.

CHAPTER 59.

An Act to amend the Law relating to the Drainage and Improvement of Land in Ireland. [16th August 1878.]

WHEREAS by reason of the absence of many proprietors, as well as the omission of others to sign the necessary assents even in cases where they do not wish to dissent, unnecessary difficulties have been thrown in the way of the formation of elective drainage districts, under the Drainage and Improvement of Lands Act, Ireland, 1863: And whereas it is expedient to remove these and other difficulties in the way of the formation of such districts:

26 & 27 Vict. c. 88.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Drainage and Improvement of Lands (Ireland) Act, 1878.

To apply to Ireland only.

2. This Act shall extend to Ireland only.

Shortening periods of notice prescribed by 26 & 27 Vict. c. 88.

3. In sub-section one of the sixth section of the said Act of 1863 the day to be named as the day on or before which objections shall be required to be transmitted to the petitioners shall be not sooner than six weeks from the publication and posting or service of the notice mentioned in the said sub-section, instead of two months as provided by the said sub-section; and in sub-section five of said sixth section of said Act of 1863 the period of twenty-one days shall be substituted for one month as the period within which objections in writing to the report of inspection or any part thereof may be served on or transmitted by post to Her Majesty's Commissioners of Public Works in Ireland.

Amount of assent of proprietors necessary in order to authorise provisional order.

4. In sub-section five of the sixth section of the said Act of 1863 the assents required shall be the assents of the proprietors of a moiety in value of the land in the proposed district, instead of the proprietors of two thirds in value of such land; provided always, that no provisional order shall be made under the provisions of this section in any case in which the proprietors of one-third part in value of such lands in the said district have, within six weeks after the lodging of the report of the inspector, expressed in writing their dissent to the formation of the drainage district.

This Act and former Acts to be read together.

5. The said Act of 1863 and the several Acts amending the same and this Act shall be read together as one Act.

CHAPTER 60.

An Act to make better provision for Idiots, Imbeciles, and other afflicted persons in Ireland.

[16th August 1878.]

WHEREAS it is expedient that facilities should be given to guardians of the poor in Ireland to provide for the reception, maintenance, and instruction of poor afflicted persons in certain cases where they are not empowered to do so by the laws now in force:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Poor Afflicted Persons Relief (Ireland) Act, 1878.

Extent of Act.

2. This Act shall extend to Ireland only.

Guardians may provide for the reception of certain paupers in suitable institutions.

3. The guardians of any union may provide for the reception, maintenance, and instruction of any pauper above the age of eighteen, being blind, or deaf and dumb, in any hospital or institution established for the reception of persons suffering under such infirmities, and may pay out of the rates the charges incurred

in the conveyance of such pauper to and from the same, as well as those incurred in his maintenance, support, and instruction therein: Provided always, that the amount to be paid by such union for the reception, maintenance, and instruction of every such pauper so received in any such hospital or institution shall not exceed the sum of five shillings weekly.

Guardians may provide for the reception of pauper idiots, &c. in suitable institutions.

4. The guardians of any union may, with the consent of the Local Government Board for Ireland, send any idiotic or imbecile pauper to the workhouse of any other union, with the consent of the guardians of such last-mentioned union, or may, with the consent of the said Board, contract for the reception, maintenance, and support of any idiotic or imbecile pauper in any public or licensed asylum or establishment for the reception and relief of idiots or imbeciles, and pay out of the rates the cost of the maintenance, clothing, and lodging of such pauper in such workhouse, asylum, or establishment, as well as the cost of his conveyance thereto, or his removal therefrom, and the expenses of his burial when necessary: Provided always, that the amount to be paid by the guardians of such union for the maintenance of every such idiotic or imbecile pauper shall not exceed the sum of five shillings weekly.

Guardians may bring back paupers to union.

5. The guardians may at any time, at their discretion, and shall upon the requisition of the managers of any such hospital, institution, asylum, or establishment, cause any such pauper to be removed therefrom and brought back to their parish or union.

Conscience clause.

6. No idiotic or imbecile pauper shall be sent by the guardians of any union to any hospital, institution, asylum, or establishment under the provisions of this Act, other than a hospital, institution, asylum, or establishment maintained out of public rates, unless with the consent of such relatives, if any, of the said pauper nearest of kin as can conveniently be found.

CHAPTER 61.

An Act to remove doubts as to the validity of certain Marriages solemnized in the Islands of Fiji prior to their erection into a British Colony.

[16th August 1878.]

WHEREAS, before the erection of the islands of Fiji into a British colony, certain marriages of British subjects were solemnized by ministers of the Christian religion in accordance with the custom then in use, such marriages not having been solemnized according to the provisions of the Act of the session of the twelfth and thirteenth years of the reign of Her Majesty, chapter sixty-eight, intituled "An Act for facilitating the Mar-" riages of British subjects in foreign countries:"

And whereas it is expedient, under the circumstances aforesaid, to remove all doubts touching the validity of the marriages so solemnized, and to render the same valid:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Fiji Marriage Act, 1878. Short title.

2. All marriages (both or one of the parties thereto being subjects or a subject of this realm) solemnized in the islands now constituting the colony of Fiji, before the tenth day of October one thousand eight hundred and seventy-four, by any minister of religion of any denomination of Christians duly appointed or ordained, or reputed to be duly appointed or ordained, shall be as valid in law as if the same had been solemnized within Her Majesty's dominions with a due observance of all forms required by law. Marriages before 10th October 1874 declared valid.

3. A certificate of the marriage, purporting to be signed by any minister of religion as aforesaid who solemnized the same, or a certified copy of such certificate, shall be receivable by all courts of law as evidence of such marriage at the date set forth in the said certificate. Certificate of such marriage good in law.

4. Any such marriage may be registered by producing the certificate of the minister of religion aforesaid to the registrar general of the colony of Fiji at any time within eighteen months after the passing of this Act; and the said registrar general shall register the same, and shall add the date when solemnized, together with the words "valid from the date of solemnization "under the Fiji Marriage Act, 1878;" and an extract from the register, signed by the registrar general, shall be received in all courts of law as sufficient evidence of the marriage as of the date set forth in the entry made under this section by the registrar general: Provided that any entry in the said register, and any extract therefrom, made prior to the proclamation of this Act in the colony of Fiji in pursuance of an ordinance of the said colony, the short title of which was the Fiji Marriages Validity Ordinance, 1877, shall be as valid in all respects as though the same had been made in pursuance of this Act. Such marriages may be registered, and procedure.

5. This Act shall come into operation from the date of its proclamation within the colony of Fiji. Date of operation of Act.

CHAPTER 62.

An Act to continue certain Turnpike Acts, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [16th August 1878.]

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others, and to make further provisions concerning turnpike roads:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Acts specified in the first schedule annexed hereto shall expire at the time in that behalf mentioned in the Annual Turnpike Acts Continuance Act, 1877. Schedule 1. 40 & 41 Vict. c. 64.

Schedule 2.

2. The Acts specified in the second schedule annexed hereto shall continue in force until the dates specified in each instance, and no longer.

Schedule 3.

3. The Acts specified in the first and second columns of the third schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, and no longer.

Schedule 4.

4. The Acts specified in the first and second columns of the fourth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, unless Parliament in the meantime otherwise provides.

Schedule 5.

5. The Acts specified in the fifth schedule annexed hereto shall be repealed on and after the dates specified in each instance.

Schedule 6.

6. The Acts specified in the first and second columns of the sixth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, when the same shall be repealed.

Schedule 7.

7. The Acts specified in the seventh schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and seventy-nine, and no longer, unless Parliament in the meantime otherwise provides.

Continuance of all other Turnpike Acts.

8. Such provisions, if any, of the said Acts mentioned in the said schedules as are not affected by the preceding sections, and all other Acts now in force for regulating, making, amending, or repairing any turnpike road which will expire at or before the end of the next session of Parliament, shall continue in force until the first day of November one thousand eight hundred and seventy-nine, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides; but this section shall not affect any Act continued to a specified date and no longer.

Alteration of dates for making up of accounts and estimates.

9. From and after the passing of this Act, the annual statements and estimates of debts, revenue, and expenditure respectively referred to in the Act of the third and fourth years of King William the Fourth, chapter eighty, and in section six of the Act of the twelfth and thirteenth years of Her present Majesty, chapter eighty-seven, shall be made out for the year ending on the twenty-fifth day of March instead of from the first day of January to the thirty-first day of December.

Provided that the first of such statements made after the passing of this Act shall be made out in respect of the period between the thirty-first day of December one thousand eight hundred and seventy-seven and the twenty-fifth day of March one thousand eight hundred and seventy-nine, and the first of such estimates so made shall be in respect of the period between the thirty-first day

of December one thousand eight hundred and seventy-eight and the twenty-fifth day of March one thousand eight hundred and eighty.

Alteration of date of annual meeting of turnpike trustees.

10. The general annual meeting of the trustees or commissioners of every turnpike road shall be held between the twenty-fifth day of March and the twenty-fifth day of June, and the latter of such dates shall be deemed to be substituted for the twenty-fifth day of March in the enactments relating to such meetings.

The date on or before which the clerk to the trustees or commissioners of any turnpike road shall transmit to the Local Government Board a copy of the annual statement of the debts, revenue, and expenditure of the trust in cases where the said trustees or commissioners shall not have held their general annual meeting on or before the twenty-fifth day of June shall be the twenty-fourth day of July.

Extent of Act.

11. This Act shall not extend to Scotland or Ireland.

Short title.

12. This Act may be cited for all purposes as the Annual Turnpike Acts Continuance Act, 1878.

SCHEDULES.

SCHEDULES 1 TO 6.

County.	Name of Trust.	No. of Schedule.	No. of Act
Beds- -	Luton District - - - - - - -	2	22
Berks - -	Besselsleigh - - - - - - -	5	35
Chester -	Cranage and Warrington, and Macclesfield to Nether Tabley, United - - - - -	3	23, 24
	Macclesfield and Chapel-en-le-Frith - - -	1	13
	Manchester, Hyde, and Mottram - - -	6	48
	Stockport and Ashton - - - - -	6	52
	Stockport and Warrington, and Washway, United -	4	32, 33
Cumberland -	Penrith and Cockermouth - - - -	3	26
Derby - -	Chesterfield and Hernstone Lane Head - - -	6	50
	Chesterfield, Newbold, and Dunstone - - -	5	47
	Nottingham, Third District - - - -	2	20
Devon - -	Honiton and Sidmouth - - - - -	1	8
Gloucester -	Cheltenham - - - - - - -	5	42
	Cleeve and Evesham - - - - -	3	31
	Over and Maisemore, United - - - -	2	18
	Pucklechurch - - - - - -	5	45
Lancaster -	Bolton and St. Helen's - - - - -	6	49, 51
	Rochdale and Manchester - - - -	2	19
Leicester -	Hinckley and Melbourne - - - - -	5	36
	Leicester and Welford - - - - -	1	2
	Market Harborough and Loughborough - -	5	41
	Tamworth and Harrington Bridge - - -	5	44
Monmouth -	Monmouth - - - - - -	1	9
	Newport - - - - - - -	5	46
Northampton	Crowland and Eye - - - - - -	1	3
	Kettering and Newport Pagnell - - - -	1	4
Northumberland.	Newcastle-on-Tyne to Carlisle - - - -	5	43
Oxford - -	Woodstock and Rollright Lane - - - -	1	1
Salop - -	Cleobury Mortimer District - - - -	1	11
	Cleobury North, and Ditton Priors - - -	3	29
Stafford -	Cheadle, Consolidated - - - - -	5	40
	Lawton, Burslem, and Newcastle-under-Lyme - -	5	37
	Lichfield - - - - - - -	2	17
	Stafford District - - - - - -	6	53
	Uttoxeter and Blyth Marsh - - - -	3	30
Sussex - -	Brighton and Newhaven - - - - -	2	14
	Lewes to Eastbourne and Hailsham - - -	1	10

County.	Name of Trust.	No. of Schedule.	No. of Act.
Warwick -	Finford Bridge and Banbury - - - - -	5	38
	Hinckley and Coventry - - - - - -	2	15
Westmoreland	Brough and Eamont Bridge - - - - -	3	27
York - -	Barnsdale and Leeds and Branch - - -	1	5
	Bawtry and Tinsley - - - - - -	3	28
	Knaresborough and Green Hammerton - - -	1	6
	Knaresborough and Pateley Bridge - - -	3	25
	Leeds and Elland - - - - - -	1	12
	Otley and Skipton - - - - - -	5	34
	Red House and Crofton - - - - -	5	39
	Rotherham and Barnby Moor - - - -	1	7
	Stockton and Middlesbrough - - - -	2	21
	Wakefield and Weeland - - - - -	5	39
Denbigh -	Denbigh and Pentre Voelas - - - -	2	16

Schedule 1.

FIRST SCHEDULE.

Acts which are to expire at the date (1st November 1878) mentioned in 40 & 41 Vict. c. 64.

Date of Act.	Title of Act.
9 Vict. c. vii. - -	1. An Act for repairing, improving, and maintaining certain roads leading from the borough of New Woodstock to Rollright Lane and other roads connected therewith in the county of Oxford.
19 Vict. c. xxv. -	2. An Act for continuing the term and amending and extending the provisions of the Act relating to the Leicester and Welford turnpike road in the counties of Leicester and Northampton.
19 & 20 Vict. c. xxxi.	3. An Act for continuing the term and amending the provisions of the Act for making and maintaining a turnpike road from the town of Crowland in the county of Lincoln to the town of Eye in the county of Northampton.
19 & 20 Vict. c. xxxvii.	4. An Act for the continuance and regulation of the Kettering and Newport Pagnell Turnpike Road Trust.
19 & 20 Vict. c. xliii. -	5. An Act to amend an Act passed in the seventh and eighth years of the reign of His late Majesty King George the Fourth, intituled An Act to alter, amend, and enlarge the powers and provisions of an Act relating to the road from Barnsdale through Pontefract to Thwaite Gate near Leeds in the west riding of the county of York, and to continue the term thereby granted.
19 & 20 Vict. c. xlix. -	6. An Act to amend and extend the provisions of the several Acts relating to the Knaresbrough and Green Hammerton Turnpike Road in the county of York, and to create a further term therein, and for other purposes.
19 & 20 Vict. c. lv. -	7. An Act for more effectually repairing the road from Barnby Moor in the county of Nottingham to Maltby in the county of York, and from Whiston to Rotherham in the said county of York.
19 & 20 Vict. c. lx. -	8. An Act to continue the Honiton and Sidmouth Turnpike Trust, and for other purposes.
19 & 20 Vict. c. lxxxix.	9. An Act for more effectually repairing several roads leading to and from the town of Monmouth, and for making several lines of road to communicate therewith, in the counties of Monmouth, Gloucester, and Hereford.
19 & 20 Vict. c. xcvi. -	10. An Act to repeal the Act for more effectually making, straightening, repairing, and improving the roads from near the town of Lewes to Polegate in the parish of Hailsham, and from thence to Eastbourne, and from Polegate to Hailsham Common, in the county of Sussex, and to make other provisions in lieu thereof.
19 & 20 Vict. c. civ. -	11. An Act for continuing the term and amending and extending the provisions of the Act relating to the Cleobury North and Ditton Priors District and the Cleobury Mortimer District of turnpike roads, in the counties of Salop and Worcester; *so far as the same relates to "The Cleobury Mortimer District of Roads."*

Date of Act.	Title of Act.
24 & 25 Vict. c. lxxxviii.	12. An Act to repeal an Act passed in the seventh and eighth years of the reign of His Majesty King George the Fourth, intituled An Act for repairing the road leading from Ealand to the town of Leeds in the west riding of the county of York, and granting more effectual powers in lieu thereof.
29 Vict. c. lxxiv. -	13. An Act to repeal an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth "for more effectually "repairing the road from the canal bridge in Hurdsfield in the county "of Chester to the turnpike road at Randle Carr Lane Head in Fernilee "in the county of Derby, leading to Chapel-in-the-Frith in the same "county," and another Act passed in the same year "to rectify a "mistake in the above-mentioned Act, and to make more effectual "provisions in lieu thereof."

SECOND SCHEDULE.

Schedule 2.

Acts which are to continue in force until the dates specified in each instance, and no longer.

Date of Act.	Title of Act.
5 G. 4. c. xci. -	14. An Act for making and maintaining a road from Brighthelmstone to Newhaven in the county of Sussex; *which shall continue in force until the* 1*st of November* 1879, *and no longer.*
6 G. 4. c. x. - -	15. An Act for repairing the road from Hinckley in the county of Leicester to Nuneaton in the county of Warwick, and from thence to Bishop's Gate in the city of Coventry; *which shall continue in force until the* 1*st of November* 1879, *and no longer.*
6 G. 4. c. cxlviii. -	16. An Act for making and maintaining a turnpike road from the town of Denbigh in the county of Denbigh to Pentre Voelas in the said county, and from thence to Fynnon Eidda in the county of Carnarvon; *which, so far as the same relates to the Denbigh and Pentre Voelas Road, or First District, shall continue in force until the* 1*st of November* 1879, *and no longer.*
2 W. 4. c. lxxi. -	17. An Act for more effectually repairing the first district of the road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and several other roads in the counties of Warwick and Stafford, and city and county of the city of Lichfield; *which shall continue in force until the* 1*st of November* 1879, *and no longer.*
3 W. 4. c. lv. - -	18. An Act for more effectually repairing the roads leading from the city of Gloucester towards the city of Hereford, and also towards Newent and Newnham in the county of Gloucester, Ledbury in the county of Hereford, and Upton-upon-Severn in the county of Worcester; *which shall continue in force until the* 1*st of November* 1879, *and no longer.*
6 & 7 Vict. c. xci. -	19. An Act for more effectually repairing the road from the new wall on the parade in Castleton in the parish of Rochdale through Middleton to the Mere Stone in Great Heaton and to the town of Manchester, all in the county palatine of Lancaster; and for making a diversion in the line of such road; *which shall continue in force until the* 1*st of November* 1879, *and no longer.*
18 & 19 Vict. c. xcii. -	20. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act, and for other purposes; *which, so far as the same relates to the Third District of Road, shall continue in force until the* 1*st of November* 1879, *and no longer.*
19 & 20 Vict. c. xxxix.	21. An Act to authorize the making of a turnpike road from the township of Thornaby to Middlesbrough in the north riding of the county of York, with a bridge over a creek or arm of the river Tees, and for other purposes; *which shall continue in force until the* 1*st of November* 1879, *and no longer.*
19 & 20 Vict. c. cviii.	22. An Act to amend certain Acts relating to the Luton District turnpike road, and make other provisions in lieu thereof; *which shall continue in force until the* 1*st of May* 1879, *and no longer.*

Schedule 3.

THIRD SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer, subject to modifications.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.
1 G. 4. c. xxv. -	23. An Act to continue the term, and to alter, amend, and enlarge the powers of the several Acts for repairing the roads from Henshall's Smithy, upon Cranage Green, through Nether Knutsford to Altrincham, and other roads therein mentioned, all in the county palatine of Chester.	The entire Act -	1 November 1878	The portions of road within the townships of Lymm, Thelwall, Grappenhall, and Latchford, to cease to belong to the Trust.	31*st of December* 1880, *and no longer.*
1 W. 4. c. xv. -	24. An Act for repairing the road from the Broken Cross in Macclesfield to Nether Tabley in the county of Chester.	The entire Act -	1 November 1878	The portions of road within the townships of Lymm, Thelwall, Grappenhall, and Latchford to cease to belong to the Trust.	31*st of December* 1880, *and no longer.*
19 & 20 Vict. c. l.	25. An Act to amend and extend the provisions of the Act relating to the Knaresbrough and Pateley Bridge Turnpike Road, and to create a further term therein, and for other purposes.	The entire Act -	1 November 1878	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* per annum. No interest payable.	1*st of November* 1880, *and no longer.*
19 & 20 Vict. c. lxiv.	26. An Act for more effectually repairing the road from Penrith to Cockermouth and other roads connected therewith, and for making and maintaining several new roads, all in the county of Cumberland.	The entire Act -	1 November 1878	No interest payable -	1*st of November* 1883, *and no longer.*
19 & 20 Vict. c. lxxii.	27. An Act to repeal the Acts relating to the Brough and Eamont Bridge Turnpike Road, and to make other provisions in lieu thereof.	The entire Act -	1 November 1878	Amount expended in repair of roads to be not less than 80*l.* per annum. No interest payable.	1*st of November* 1882, *and no longer.*

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.
19 & 20 Vict. c. lxxxii.	28. An Act to repeal an Act for amending and maintaining the turnpike road from Bawtry, through the town of Tinsley, to the road from Rotherham to Sheffield, in the west riding of the county of York, and to make other provisions in lieu thereof.	The entire Act -	1 November 1878	No money to be expended in repair of roads. Salaries and incidentals limited to 15*l.* No interest payable.	1*st of November* 1879, *and no longer.*
19 & 20 Vict. c. civ.	29. An Act for continuing the term and amending and extending the provisions of the Act relating to the Cleobury North and Ditton Priors District and the Cleobury Mortimer District of turnpike roads, in the counties of Salop and Worcester.	*So far as the same relates to "The Cleobury North and Ditton Priors District of Roads."*	1 November 1878	No money to be expended in repair of roads. Salaries and incidentals limited to 15*l.* No interest payable.	1*st of November* 1879, *and no longer.*
19 & 20 Vict. c. cxxvii.	30. An Act to repeal an Act passed in the fourth year of the reign of His late Majesty King George the Fourth, intituled An Act for more effectually amending and keeping in repair the roads from the town of Uttoxeter to the town of Newcastle-under-Lyme in the county of Stafford, so far as relates to the Uttoxeter District of the said roads, and for making certain new pieces of road to communicate therewith, all in the said county of Stafford, and to confer larger and additional powers and provisions in lieu of those therein contained, and for other purposes.	The entire Act -	1 November 1878	Amount expended in repair of roads to be not less than 240*l.* per annum. No interest payable.	1*st of November* 1880, *and no longer.*
26 Vict. c. xxviii.	31. An Act to continue the Cleeve and Evesham turnpike trust in the county of Gloucester, and for other purposes.	The entire Act -	1 November 1878	No interest payable -	1*st of November* 1880, *and no longer.*

Schedule 4.

FOURTH SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, unless Parliament in the meantime otherwise provides, subject to modifications.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.
7 & 8 G. 4. c. xcv.	32. An Act for more effectually repairing and otherwise improving the road from Crossford Bridge in the county palatine of Lancaster to Altrincham in the county palatine of Chester.	The entire Act -	1 November 1878	The portions of road within the townships of Lymm, Thelwall, and Grappenhall to cease to belong to the Trust.	1*st of November* 1880.
19 & 20 Vict. c. lxvi.	33. An Act for more effectually repairing certain roads in the county of Chester, of which the short title is "Stockport and Warrington Road Act, 1856."	The entire Act -	1 November 1878	The portions of road within the townships of Lymm, Thelwall, and Grappenhall to cease to belong to the Trust.	1*st of November* 1880.

FIFTH SCHEDULE.

Schedule 5.

Acts which are to be repealed on and after the dates specified in each instance.

Date of Act.	Title of Act.
20 & 21 Vict. c. cxxxi. *Limited to expire at end of session after* 1 *November* 1878.	34. An Act for continuing the term and amending and extending the provisions of the Act relating to the Otley and Skipton turnpike road, and to create a further term therein, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1878.
21 Vict. c. xlii. - *Limited to expire at end of session after* 21 *July* 1881.	35. An Act to repeal the Acts relating to the Besselsleigh turnpike road in the county of Berks, and to make other provisions in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1878.
22 & 23 Vict. c. lxvii. - *Limited to expire at end of session after* 29 *August* 1880.	36. An Act to repeal an Act passed in the tenth year of the reign of His Majesty King George the Fourth, intituled an Act for repairing the road from Hinckley to Melbourne Common, and other roads communicating therewith, in the counties of Leicester and Derby, and granting more effectual powers in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1880.
22 & 23 Vict. c. lxxxvii. *Limited to expire at end of session after* 1 *November* 1880.	37. An Act to repeal the Acts relating to the Lawton, Burslem, and Newcastle-under-Lyme turnpike roads, and to consolidate and amend the provisions thereof; *which shall be repealed on and after the* 1*st of November* 1878.
22 & 23 Vict. c. xcii. - *Limited to expire at end of session after* 8 *August* 1880.	38. An Act to renew the term, and continue, amend, and enlarge the powers of an Act passed in the third year of the reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing the road leading from the Cross-of-Hand, near Finford Bridge, in the county of Warwick, through the town of Southam in the same county, to the borough of Banbury in the county of Oxford, and to make other provisions in lieu thereof, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1878.
25 & 26 Vict. c. cv. - *Limited to expire at end of session after* 1 *October* 1883.	39. An Act for the Red House and Weeland Roads in the west riding of the county of York; *which shall be repealed on and after the* 1*st of November* 1878.
25 & 26 Vict. c. cl. - *Limited to expire at end of session after* 31 *December* 1883.	40. An Act to repeal an Act of the first year of the reign of King William the Fourth, "for consolidating the trusts of the several turnpike roads in the neighbourhood of Cheadle, in the county of Stafford, and for making deviations and new branches to and from the same," and to make other provisions in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1878.
26 Vict. c. iv. - *Limited to expire at end of session after* 1 *November* 1884.	41. An Act for repairing the road from Market Harborough to Loughborough in the county of Leicester, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1878.
26 Vict. c. li. - *Limited to expire at end of session after* 30 *June* 1884.	42. An Act to continue the Cheltenham Turnpike Trust in the county of Gloucester, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1878.
26 & 27 Vict. c. cxxv. *Limited to expire at end of session after* 1 *November* 1884.	43. An Act to create a further term in so much of the Newcastle-upon-Tyne and Carlisle turnpike road as is within the county of Northumberland; to repeal, amend, and extend the powers of the Act relating to the said road, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1881.

Date of Act.	Title of Act
26 & 27 Vict. c. clv. - *Limited to expire at end of session after* 15 *September* 1884.	44. An Act to repeal an Act passed in the fourth year of the reign of His Majesty King George the Fourth, intituled An Act for repairing the roads from the borough of Tamworth in the counties of Stafford and Warwick to the town of Ashby-de-la-Zouch in the county of Leicester, and from Harrington Bridge (heretofore Sawley Ferry) in the said county of Leicester to a turnpike gate at or near the end of Swarcliffe Lane, leading to Ashby-de-la-Zouch aforesaid, and for granting more effectual powers in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1880.
27 & 28 Vict. c. l. - *Limited to expire at end of session after* 30 *September* 1885.	45. An Act for continuing the term of and otherwise amending the Act relating to "the Pucklechurch or lower district of roads" in the counties of Gloucester and Wilts; *which shall be repealed on and after the* 1*st of November* 1878.
27 & 28 Vict. c. liii. - *Limited to expire at end of session after* 20 *July* 1885.	46. An Act to repeal the Acts relating to the Newport (Monmouthshire) Turnpike Trust, and the Caerleon Turnpike Trust, and to amalgamate those trusts, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1879.
28 & 29 Vict. c. ccxv. *Limited to expire at end of session after* 1 *November* 1886.	47. An Act for continuing the term of the turnpike roads from Brimington and Chesterfield in the county of Derby to the High Moors in the parish of Brampton in the said county, and for other purposes; *which shall be repealed on and after the* 1*st of November* 1879.

Schedule 6.

SIXTH SCHEDULE.

Acts which are to continue in force, subject to modifications, until the dates specified in each instance when the same shall be repealed.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates on and after which the Act is to be repealed.
21 Vict. c. xxxvii. *Limited to expire at end of session after* 28 *June* 1879.	48. An Act for the more effectual management and repair of the road from Manchester in the county palatine of Lancaster through Hyde to Mottram-in-Longdendale in the county palatine of Chester.	The entire Act -	1 November 1878	No larger rates of toll to be taken than those now levied.	1*st of November* 1879.
23 & 24 Vict. c. cxiii. *Limited to expire at end of session after* 1 *January* 1882.	49. An Act for the Bolton and St. Helen's Road in the county palatine of Lancaster.	The entire Act -	1 November 1878	Five sixths of the net income to be spent in repairs in Over Hulton and Middle Hulton, and one sixth in Lowton.	1*st of November* 1879.
27 & 28 Vict. c. lxxiv. *Limited to expire at end of session after* 1 *January* 1885.	50. An Act for continuing the term of the turnpike road from Chesterfield to Hernstone Lane Head with its branches, all in the county of Derby, and for other purposes.	The entire Act -	1 November 1878	No larger rates of toll to be taken than those now levied.	1*st of November* 1879.
27 & 28 Vict. c. cxxxviii. *Limited to expire at end of session after* 1 *January* 1882.	51. An Act for the amendment of the Bolton and St. Helen's Turnpike Roads Act, 1860.	The entire Act -	1 November 1878	Five sixths of the net income to be spent in repairs in Over Hulton and Middle Hulton, and one sixth in Lowton.	1*st of November* 1879.
27 & 28 Vict. c. clxxix. *Limited to expire at end of session after* 1 *September* 1885.	52. An Act for the Stockport and Ashton Turnpike Roads, in the counties palatine of Chester and Lancaster, and the county of York.	The entire Act -	1 November 1878	No larger rates of toll to be taken than those now levied.	1*st of November* 1879.
29 Vict. c. l. - *Limited to expire at end of session after* 1 *January* 1882.	53. An Act to amalgamate the trusts of the Stafford, Sandon, and Eccleshall Roads, the Stone, Stafford, and Penkridge Roads, and the Stafford, Churchbridge, Uttoxeter, and Newport Roads, to authorize the construction of a new road, and for other purposes.	The entire Act -	1 November 1878	The Littleworth toll-gate to be abolished.	1*st of November* 1880.

Schedule 7.

SEVENTH SCHEDULE.

Acts which are to continue in force until the 1st November 1879, and no longer, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	No. of Act.
	PART I.	
Lancaster -	Manchester and Bury, New Road - - - - -	4
	Manchester, Oldham, and Austerlands - - -	3
Stafford - -	Streetway, Wordsley Green, Wolverhampton, and Cannock -	1
	Tamworth - - - - - - - -	2
	PART II.	
Dorset - -	Backwater Bridge and Road - - - - -	10
Lancaster -	Prestwich, Bury, and Radcliffe - - - -	11
	Ridghills, Lanes, and Holehouse - - - -	5
Somerset -	Langport, Somerton, and Castle Cary - - -	7
Stafford - -	Newcastle-under-Lyme and Leek - - - -	6
Wilts - -	Swindon, Calne, and Cricklade, or Third District - -	12
	Swindon and Christian Malford, or First District - -	
York - -	Selby and Market Weighton - - - -	8
	Worksop and Attercliffe - - - - -	9

Date of Act.	Title of Act.
10 Geo. 4. c. lxxix. -	1. An Act for improving and maintaining certain roads in the counties of Worcester, Warwick, Stafford, and Salop, called "The Dudley, Birmingham, Wolverhampton, and Streetway District;" *so far as the same relates to the Streetway and Wordsley Green and Wolverhampton and Cannock Roads.*
2 Wm. 4. c. li. - -	2. An Act for maintaining several roads leading to and from the town of Tamworth, in the counties of Stafford and Warwick.
7 Wm. 4. c. xliii. -	3. An Act for more effectually amending the roads from Manchester, in the county of Lancaster, through Oldham, to Austerlands, in the county of York, and from Oldham to Ashton-under-Lyne, and from Oldham to Rochdale, and other roads, and for making and maintaining new lines to communicate therewith, all in the said county of Lancaster.
16 & 17 Vict. c. cii. -	4. An Act to repeal an Act for making and maintaining a road from the top of Hunt's Bank, in the town of Manchester, in the county of Lancaster, to join the Manchester and Bury turnpike road in Pilkington, in the same county; and to substitute other provisions in lieu thereof.
17 Vict. c. xxxvi. -	5. An Act to repeal the Act relating to the Ridghill and Lanes and Holehouse turnpike road, and to make other provisions in lieu thereof.
20 & 21 Vict. c. lv. -	6. An Act to repeal the Act relating to the Newcastle-under-Lyne and Leek turnpike roads, and to make other provisions in lieu thereof.
20 & 21 Vict. c. lvi. -	7. An Act to repeal an Act passed in the fifth year of the reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing and improving certain roads leading to, through, and from the towns of Langport, Somerton, and Castle Cary, in the county of Somerset, and for making and improving other roads in the said county, and granting more effectual powers in lieu thereof, and for making and improving new lines of road.
20 & 21 Vict. c. lxv. -	8. An Act to repeal the Acts relating to the Selby and Market Weighton turnpike road in the East Riding of the county of York; and to make other provisions in lieu thereof.
20 & 21 Vict. c. xcix.	9. An Act for the Worksop and Attercliffe turnpike road in the county of Nottingham, and the West Riding of the county of York.

Date of Act.	Title of Act.
20 & 21 Vict. c. ci. -	10. An Act for making a bridge across the River Backwater near Weymouth, and a turnpike road and other works in connection therewith, in the county of Dorset; and for other purposes.
20 & 21 Vict. c. cvii. -	11. An Act for repairing the roads from Prestwich to Bury and Radcliffe in the county palatine of Lancaster, and for making and maintaining as turnpike certain other roads in connexion therewith, all in the same county; and for other purposes.
29 & 30 Vict. c. cxviii.	12. An Act to extend the term and amend the provisions of the Act relating to the roads leading from Swindon to Christian Malford Bridge, from Calne to Lyneham Green, and from the direction post in Long Leaze Lane, near Lydiard Marsh to Cricklade in the county of Wilts.

CHAPTER 63.

An Act to amend the Prison Acts of 1877, so far as regards the Apportionment of certain Superannuation Allowances between the Treasury and the Local Authorities.

[16th August 1878.]

WHEREAS by the sections of the Prison Acts of 1877 mentioned in the First Schedule to this Act, it is provided that an annuity by way of superannuation allowance granted to an existing officer of a prison as mentioned in those sections shall be apportioned as therein mentioned, and one portion thereof shall be paid by the local authority out of the rates therein mentioned, and the residue out of moneys provided by Parliament: 40 & 41 Vict. c. 21. 40 & 41 Vict. c. 49. 40 & 41 Vict. c. 53.

And whereas in many cases the amount payable under the said apportionment, either by the local authority out of the rates or by the Treasury out of moneys provided by Parliament, will be very small, and it is expedient to provide for the commutation of such amount; that is to say, for the payment by the Treasury to the local authority, or by the local authority to the Treasury, of the capital value of their share of the annuity, so that the grantee of such annuity may receive the whole of it from one source only:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Prison (Officers Superannuation) Act, 1878.

Commutation by prison authority or Treasury of apportioned part of superannuation allowance to existing officer of prison.

2. Where an annuity granted by way of superannuation allowance to an existing officer of a prison under the sections of the Prison Acts mentioned in the First Schedule to this Act is apportioned to be paid partly by the Treasury out of moneys provided by Parliament and partly by the local authority out of rates, the Treasury and the local authority may agree for the commutation of the share of the annuity apportioned to either of them; that is to say, for the payment by that one to the other of them of the capital value of such share ascertained according to the tables contained in the Second Schedule to this Act.

Where the share of the annuity apportioned to be paid by the Treasury is less than twenty pounds a year, the Treasury may require the local authority to accept commutation of that share.

In the case of an annuity as to which the Treasury make no such requirement, the local authority may require the Treasury to accept commutation of the share apportioned to be paid by the local authority.

The Treasury or the local authority, on receiving payment under any agreement, or payment or tender under any requirement, of the sum for commutation of the share of an annuity, shall in every year raise and pay that share to the annuitant out of the same moneys or rates and in the like manner as the rest of the annuity, and the payers or tenderers of the said sum shall be free from all liability in respect of such annuity.

Payment and application of amount of commutation.

3. Any sum paid by the Treasury to the local authority for commutation of a share of an annuity shall be paid out of moneys provided by Parliament, and shall be applied in such manner as the local authority direct in aid of the rates out of which the annuity is payable, and may, if the local authority so direct, be invested in the name of the local authority, or of their clerk, in any securities in which trustees are for the time being authorised by law to invest, and such investment may be from time to time sold, and the proceeds of such sale and the income arising from the investment may be applied from time to time as the local authority direct in aid the said rates.

Any sum paid to the Treasury by the local authority for commutation of a share of an annuity shall be paid out of the rates out of which the said share is payable, and shall be paid into the Exchequer.

Provision as to local authorities contributing to annuity.

4. Where two or more local authorities are liable to pay shares of the same annuity to an officer of a prison, each of those authorities shall be deemed to be a local authority for the purposes of this Act, but any such local authority shall not be entitled to require the Treasury to accept commutation of the share of an annuity if the Treasury have already commuted the share of that annuity payable by the Treasury.

The said local authorities may agree together for the commutation of the share of any such annuity which is payable by either of them, and the provisions of this Act shall apply accordingly.

Definitions.

5. For the purposes of this Act—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "local authority" means—

(*a.*) as regards England, the prison authority within the meaning of the Prison Act, 1877 ; and

40 & 41 Vict. c. 21.

(*b.*) as regards Scotland, the Commissioners of Supply of the county or the magistrates of a burgh ; and

(*c.*) as regards Ireland, the grand jury of a county or a town council having the powers of a grand jury.

The expression "clerk of a local authority" means, as regards Ireland, the secretary of the grand jury, or in the case of a town council the town clerk, and such secretary shall for the purpose of an investment made in pursuance of this Act, be a corporation sole.

The expression "rates" includes any rates, assessment, cess, or other funds out of which a share of the annuity is payable by a local authority in pursuance of the Acts mentioned in the First Schedule to this Act.

SCHEDULES.

FIRST SCHEDULE.

Prison Acts referred to.

Session and Chapter.	Short Title of Act.	Sections referred to.
40 & 41 Vict. c. 21.	The Prison Act, 1877	Section thirty-six.
40 & 41 Vict. c. 49.	The General Prisons (Ireland) Act, 1877	Section thirty-two.
40 & 41 Vict. c. 53.	The Prisons (Scotland) Act, 1877	Section forty-three.

SECOND SCHEDULE.

Commutation Table.

Table showing the Capital Value of an Annuity of 1*l.* according to the Age and Sex of the Annuitant.

Note.—This table is identical with the Post Office Table of immediate life annuities made under 27 & 28 Vict. c. 43. s. 6.

Age of the Annuitant at the Time of Commutation.	Males.			Females.			Age of the Annuitant at the Time of Commutation.	Males.			Females.		
	£	s.	d.	£	s.	d.		£	s.	d.	£	s.	d.
If 21 and under 22	19	10	11	21	3	11	If 51 and under 52	13	6	2	15	6	9
22 „ 23	19	9	0	21	1	4	52 „ 53	12	19	9	15	0	5
23 „ 24	19	7	2	20	18	9	53 „ 54	12	13	4	14	14	0
24 „ 25	19	5	4	20	16	0	54 „ 55	12	7	2	14	7	4
25 „ 26	19	3	6	20	13	2	55 „ 56	12	1	0	14	0	7
26 „ 27	19	1	5	20	10	3	56 „ 57	11	15	0	13	13	9
27 „ 28	18	18	10	20	7	3	57 „ 58	11	9	1	13	6	10
28 „ 29	18	16	2	20	4	2	58 „ 59	11	3	3	12	19	9
29 „ 30	18	13	3	20	1	0	59 „ 60	10	17	3	12	12	8
30 „ 31	18	10	2	19	17	9	60 „ 61	10	11	2	12	5	6
31 „ 32	18	6	11	19	14	9	61 „ 62	10	4	10	11	18	1
32 „ 33	18	3	7	19	11	0	62 „ 63	9	18	3	11	10	6
33 „ 34	18	0	1	19	7	6	63 „ 64	9	11	5	11	2	11
34 „ 35	17	16	4	19	4	0	64 „ 65	9	4	7	10	15	4
35 „ 36	17	12	5	19	0	5	65 „ 66	8	17	10	10	7	8
36 „ 37	17	8	3	18	16	11	66 „ 67	8	11	1	10	0	1
37 „ 38	17	4	1	18	13	4	67 „ 68	8	4	9	9	12	6
38 „ 39	16	19	9	18	9	7	68 „ 69	7	18	7	9	5	0
39 „ 40	16	15	3	18	5	9	69 „ 70	7	12	5	8	17	5
40 „ 41	16	10	9	18	1	10	70 „ 71	7	6	4	8	9	11
41 „ 42	16	6	0	17	17	8	71 „ 72	7	0	6	8	2	8
42 „ 43	16	1	0	17	13	5	72 „ 73	6	14	10	7	15	7
43 „ 44	15	15	10	17	9	0	73 „ 74	6	9	1	7	8	7
44 „ 45	15	10	5	17	4	5	74 „ 75	6	3	1	7	1	11
45 „ 46	15	4	9	16	19	7	75 „ 76	5	17	0	6	15	5
46 „ 47	14	18	11	16	14	8	76 „ 77	5	10	8	6	8	11
47 „ 48	14	12	8	16	9	6	77 „ 78	5	3	7	6	2	9
48 „ 49	14	6	2	16	4	1	78 „ 79	4	16	6	5	17	1
49 „ 50	13	19	7	15	18	7	79 „ 80	4	9	10	5	11	10
50 „ 51	13	12	11	15	12	9	80 or any greater age.	4	3	3	5	7	0

Note.—Where the share of an annuity is a fraction of a pound, the capital value of that share shall be calculated proportionally in accordance with the above table.

CHAPTER 64.

An Act to raise the sum of two million pounds by Exchequer Bonds, Exchequer Bills, or Treasury Bills for the service of the year ending on the 31st day of March 1879.

[16th August 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury may raise 2,000,000*l.* by Exchequer bonds or by Exchequer or Treasury bills.

1. Towards raising the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine, it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times not later than the said thirty-first day of March, to raise any sum or sums, not exceeding in the whole two million pounds, by the issue of Exchequer bonds, Exchequer bills, or Treasury bills in manner provided by the Exchequer Bills and Bonds Act, 1866, and the Treasury Bills Act, 1877, so, however, that no Exchequer bond shall be made out for any sum less than one hundred pounds.

29 & 30 Vict. c. 25. 40 & 41 Vict. c. 2.

Every Exchequer bond issued in pursuance of this Act shall provide for the paying off of such bond at par at any period not exceeding three years nor less than twelve months from the date of such bond.

Payment of interest and repayment of principal.

2. The interest on all Exchequer bonds issued in pursuance of this Act shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or out of the growing produce thereof.

The principal money secured by every Exchequer bond issued in pursuance of this Act shall be repaid out of money provided by Parliament for the purpose.

Money to be paid into Exchequer.

3. All money raised in pursuance of this Act shall be paid into the Exchequer.

Extension of 29 & 30 Vict. c. 25. as to forgery, &c. to bonds.

4. Section fifteen of the Exchequer Bills and Bonds Act, 1866, (which section relates to the forgery of Exchequer bills,) shall apply to all Exchequer bonds issued in pursuance of this Act in like manner as if it were herein enacted with the substitution of Exchequer bond for Exchequer bill.

Short title.

5. This Act may be cited as the Exchequer Bonds and Bills (No. 2) Act, 1878.

CHAPTER 65.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-nine, and to appropriate the Supplies granted in this Session of Parliament. [16th August 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant out of Consolidated Fund.

Issue of 21,556,807*l.* 7*s.* 5*d.* out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-nine, the sum of twenty-one million five hundred and fifty-six thousand eight hundred and seven pounds seven shillings and fivepence.

Power for the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time on the credit of the said sum of twenty-one million five hundred and fifty-six thousand eight hundred and seven pounds seven shillings and fivepence any sum or sums of equal or less amount in the whole, and shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said moneys were borrowed.

Any moneys so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of sixty-three million and ninety-three thousand eight hundred and fifty-four pounds thirteen shillings and tenpence, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule

(A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1876–77 unprovided for.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Act of the session held in the thirty-ninth and fortieth years of the reign of Her present Majesty, chapter sixty, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and seventy-seven, to be in part temporarily defrayed out of the balances unexpended in respect of the sums appropriated to certain other votes for naval and military services for the said year; viz.,

1st. Expenditure for certain navy services unprovided for, temporarily defrayed to the extent of one hundred and twenty-nine thousand five hundred and eight pounds eighteen shillings and threepence, out of the unexpended balances of certain other votes for navy services:

2d. Expenditure for certain army services unprovided for, temporarily defrayed to the extent of four hundred and seventy-six

thousand seven hundred and twenty-eight pounds one shilling and tenpence, out of the unexpended balances of certain other votes for army services, and out of the sum realised in excess of the estimated appropriations in aid:

It is enacted, that the application of the said sums is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half pay or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Commissioners of Her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the Commissioners of Her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanor.

Short title of Act.

7. This Act may be cited for all purposes as the Appropriation Act, 1878.

ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - - - - - -	63,093,854	13	10

SCHEDULE (B.)—Appropriation of Grants.

	£	£	s.	d.
Part 1. Deficiencies, 1876-77 - - - - - - -		13,248	13	10
„ 2. Supplementary, 1877-78 - - - - - - -		524,233	–	–
„ 3. Exchequer Bonds, 1877-78 - - - - - - -		1,000,000	–	–
„ 4. Vote of Credit, 1877-78, War between Russia and Turkey - -		6,000,000	–	–
		7,537,481	13	10
1878-79:—				
„ 5. Navy - - - - - - - -		12,129,901	–	–
„ 6. Army - - - - - - - -		17,791,300	–	–
„ 7. Army (Indian Home Charges) - - - - -		1,080,000	–	–
	£			
„ 8. Civil Services, Class I. - - - -	1,430,245			
„ 9. Ditto, Class II. - - - -	2,157,103			
„ 10. Ditto, Class III. - - - -	5,687,735			
„ 11. Ditto, Class IV. - - - -	3,852,390			
„ 12. Ditto, Class V. - - - -	537,135			
„ 13. Ditto, Class VI. - - - -	1,190,016			
„ 14. Ditto, Class VII. - - - -	31,381			
Total Civil Services - - - -		14,886,005	–	–
„ 15. Revenue departments, &c. - - - - - -		8,000,500	–	–
„ 16. Advances for Greenwich Hospital and School - - -		148,802	–	–
„ 17. Exchequer Bonds - - - - - - - -		1,500,000	–	–
„ 18. Abyssinian Expedition - - - - - -		19,865	–	–
	£	63,093,854	13	10

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.	£	s.	d.
For the service of the years ending 31st March 1877 and 1878;						
Under Act 41 Vict. cap. 1.				6,000,000	0	0
Under Act 41 Vict. cap. 9.				1,537,047	6	5
For the service of the year ending 31st March 1879; viz.						
Under Act 41 Vict. cap. 9.	12,000,000	–	–			
Under Act 41 Vict. cap. 21.	7,500,000	–	–			
Under Act 41 & 42 Vict. cap. 45.	14,500,000	–	–			
Under this Act	21,556,807	7	5			
				55,556,807	7	5
TOTAL				£63,093,854	13	10

SCHEDULE (B.)—PART 1.

DEFICIENCIES.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1877; viz.:—

		£	s.	d.	£	s.	d.
Greenwich Hospital and School					434	7	5
CIVIL SERVICES:—							
CLASS I.	Royal Parks and Pleasure Gardens	395	8	5			
	Harbours, &c. under the Board of Trade	675	1	6			
	Lighthouses Abroad	3,299	19	7			
CLASS II.	Colonial Office	36	12	6			
	Household of the Lord Lieutenant, Ireland	1	6	4			
	Office of Public Works, Ireland	400	16	5			
CLASS III.	Criminal Prosecutions, Sheriffs' Expenses, &c.	419	11	10			
	Land Registry Office	23	4	10			
	Register House Departments, Edinburgh	671	13	5			
	Law Charges and Criminal Prosecutions, Ireland	3,190	7	9			
	County Prisons and Reformatories, Ireland	869	1	11			
	Miscellaneous Legal Charges, Ireland	1,469	6	4			
CLASS IV.	National Gallery	97	10	6			
	National Gallery of Ireland	20	17	8			
	Queen's Colleges, Ireland	780	1	11			
CLASS V.	—Commissions for Suppression of the Slave Trade	42	1	3			
CLASS VII.	—Miscellaneous Expenses	421	4	3			
	£	12,814	6	5	434	7	5
	Total				13,248	13	10

SCHEDULE (B.)—PART 2.

SUPPLEMENTARY.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1878; viz.:—

		£
Army		£ 150,000
Navy		£ 35,800
CIVIL SERVICES:—		£
CLASS I.	Royal Palaces	4,400
	Marlborough House	4,100
	Royal Parks and Pleasure Gardens	6,452
	Clockmill Estate	3,569
	Harbours, &c. under the Board of Trade	150
	Wellington Monument	651
	Natural History Museum	9,000

		£	£
Class II.	Public Offices Site	9,545	
	Dublin Museum of Science and Art, Land and Buildings	10,200	
	Lighthouses Abroad	2,630	
	Treasury, including Parliamentary Counsel	1,200	
	Colonial Office	350	
	Civil Service Commission	1,750	
	Local Government Board (including Pauper Lunatics)	50,412	
	Mint	4,000	
	Patent Office	1,229	
	Public Works Loan Commission, &c.	1,350	
	Chief Secretary's Office, Ireland	871	
Class III.	Law Charges, England	23,400	
	Criminal Prosecutions	16,000	
	Bankruptcy Court, London	2,000	
	County Courts	13,598	
	County Prisons, Great Britain	5,300	
	Reformatory and Industrial Schools, Great Britain	6,056	
	Register House Departments, Edinburgh	1,065	
	Law Charges and Criminal Prosecutions, Ireland	1,260	
	Bankruptcy Court, Ireland	210	
Class IV.	Public Education, England and Wales	60,000	
	National Gallery	350	
	Queen's University, Ireland	352	
Class V.	Diplomatic Services	20,033	
	Grants in aid of expenditure in certain colonies	2,090	
	Suez Canal (British Directors)	400	
	Treasury Chest	6,326	
Class VI.	Superannuations and Retired Allowances	6,000	
	Relief of Distressed British Seamen Abroad	3,000	
	Commutation of Annuities	18,000	
Class VII.	Temporary Commissions	8,000	
	Miscellaneous expenses	2,500	
	Epping Forest Commission	11,300	
	Mediterranean Extension Telegraph Company	6,218	
	Ashantee Expedition, gratuities and prize pay	640	
	Grant to Lord Cochrane	5,000	
	Repayments to the Civil Contingencies Fund	5,239	
	Revenue Departments.		
	Post Office Telegraph Disallowances	2,237	
			338,433
			£524,233

SCHEDULE (B.)—Part 3.

Exchequer Bonds.

	£
To pay off and discharge Exchequer Bonds which became due and payable during the year ending on the 31st day of March 1878	1,000,000

SCHEDULE (B.)—Part 4.

Vote of Credit, War between Russia and Turkey.

	£
Towards defraying the Expenses, beyond the ordinary grants of Parliament, which may be incurred during the year ending on the 31st day of March 1878, in increasing the efficiency of the Naval and Military Services at the present crisis of the war between Russia and Turkey	6,000,000

SCHEDULE (B.)—PART 5.

NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For wages, &c. to 60,000 seamen and marines (including a supplementary sum of 5,000*l.*)	2,707,240
2.	For victuals and clothing for seamen and marines	1,146,192
3.	For the expenses of the Admiralty Office	200,760
4.	For the expense of the coast guard service, the royal naval reserve, and seamen and marine pensioners reserve, and royal naval artillery volunteers	207,510
5.	For the expense of the several scientific departments of the navy	106,041
6.	For the expense of the dockyards and naval yards at home and abroad (including a supplementary sum of 116,000*l.*)	1,466,140
7.	For the expense of the victualling yards at home and abroad	76,740
8.	For the expense of the medical establishments at home and abroad	66,400
9.	For the expense of the Marine Divisions	21,139
10.	Sect. 1. For naval stores for the building, repairing, and outfitting the fleet and coast guard (including a supplementary sum of 183,000*l.*)	1,382,300
10.	Sect. 11. For steam machinery, and ships built by contract, &c. (including a supplementary sum of 110,000*l.*)	1,152,000
11.	For new works, buildings, machinery, and repairs in the naval establishments (including a supplementary sum of 1,500*l.*)	540,615
12.	For medicines, medical stores, &c. (including a supplementary sum of 2,500*l.*)	79,730
13.	For martial law, &c.	7,994
14.	For the expense of various miscellaneous services (including a supplementary sum of 5,000*l.*)	139,725
15.	For half pay, reserved half pay, and retired pay to officers of the navy and marines	891,605
16.	Sect. 1. For military pensions and allowances	790,297
16.	Sect. 11. For civil pensions and allowances	284,223
17.	For freight of ships, for the victualling and conveyance of troops, on account of the army department (including a supplementary sum of 398,000*l.*, and also a supplementary sum of 255,000*l.*)	863,250
	TOTAL NAVY SERVICES	£12,129,901

SCHEDULE (B.)—PART 6.

ARMY.

SCHEDULE of SUMS granted to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of charges on India (including a supplementary sum of 180,000*l.* for the pay and allowances and other expenses of a number of Her Majesty's Native Indian troops, not exceeding 7,000 men, while serving out of India, and also a supplementary sum of 190,000*l.*)	4,942,000
2.	For divine service	49,300
3.	For administration of military law	28,600
4.	For medical establishments and services	256,500
5.	For the pay and allowances of a force of militia, not exceeding 131,773 men, including 30,000 militia reserve	535,400

No.		Sums not exceeding £
6.	For the yeomanry cavalry pay and allowances	74,400
7.	For the volunteer corps pay and allowances	485,300
8.	For the pay and allowances of a number of army reserve first class, not exceeding 19,000, and of the army reserve second class	185,500
9.	For commissariat and ordnance store establishments, wages, &c.	386,800
10.	For provisions, forage, fuel, transport and other services (including two supplementary sums of 170,000*l.* and 535,000*l.*)	3,890,000
11.	For clothing establishments, services, and supplies (including a supplementary sum of 15,000*l.*)	821,600
12.	For the supply, manufacture, and repair of warlike and other stores (including a supplementary sum of 882,500*l.*)	2,212,500
13.	For superintending establishment of, and expenditure for, works, buildings, and repairs at home and abroad (including a supplementary sum of 203,300*l.*)	1,057,600
14.	For establishments for military education	162,400
15.	For miscellaneous effective services	33,300
16.	For the administration of the army	251,500
17.	For rewards for distinguished services, &c., exclusive of charges on India	33,300
18.	For pay of general officers, exclusive of charges on India	92,000
19.	For retired full pay, half pay, pensions, and gratuities, for reduced and retired officers, including payments allowed by Army Purchase Commissioners, exclusive of charges on India	870,300
20.	For widows pensions, &c., exclusive of charges on India	121,000
21.	For pensions for wounds	16,900
22.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof	35,600
23.	For the out-pensioners of Chelsea hospital, &c., exclusive of charges on India (including a supplementary sum of 19,700*l.*)	1,044,700
24.	For superannuation allowances	164,600
25.	For the non-effective services of the militia, yeomanry cavalry, and volunteer corps	40,200
	TOTAL ARMY SERVICES £	17,791,300

SCHEDULE (B.)—PART 7.

ARMY (INDIAN HOME CHARGES).

For the sum to be transferred in aid of Army Grants to meet the charge incurred in recruiting and training officers and men, and in defraying the non-effective expenditure for the regular forces serving in India, which will come in course of payment during the year ending on the 31st day of March 1879 £	1,080,000

SCHEDULE (B.)—PART 8.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For the maintenance and repair of the royal palaces	43,236
1*a*.	For the cost of providing additional accommodation for servants, and improving the drainage and water supply at Marlborough House	6,450
2.	For the royal parks and pleasure gardens	117,495
3.	For the buildings of the Houses of Parliament	32,823
4.	For the maintenance and repair of public buildings in Great Britain; for providing the necessary supply of water; for rents of houses for the temporary accommodation of public departments, and charges attendant thereon, &c.	130,008

No.		Sum not exceeding
		£
5.	For the supply and repair of furniture in the public departments in Great Britain	15,400
6.	For the expenses of the Customs, Inland Revenue, Post Office, and Post Office Telegraph buildings in Great Britain, &c.	187,995
7.	For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and other charges attendant thereon	44,430
8.	For charges connected with Metropolitan Police Court buildings	15,284
9.	For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and the expense of maintaining the courts erected or improved	8,212
10.	For the purchase of a site, erection of building, and other expenses for new courts of justice and offices belonging thereto	120,300
11.	For the survey of the United Kingdom, including the revision of the survey of Ireland, maps for Landed Estates Court, Ireland, publication of maps, and engraving the geological survey	133,500
12.	For erecting and maintaining new buildings, including rents, &c., for the Department of Science and Art	15,259
13.	For maintenance and repair of the British Museum buildings, for rents of premises, supply of water, fuel, &c., and charges attendant thereon	4,995
14.	For the erection of a Natural History Museum	80,000
15.	For a grant in aid of the new buildings for the University of Edinburgh	20,000
16.	For maintaining certain harbours, &c. under the Board of Trade	15,033
17.	For rates and contributions in lieu of rates in respect of Government property, and for salaries and expenses of the rating of Government property department	199,491
18.	For contribution to the funds for the establishment and maintenance of a fire brigade in the metropolis	10,000
19.	For erection, repairs, and maintenance of the several public buildings under the department of the Commissioners of Public Works in Ireland	164,357
19*a*.	For expenses preparatory to the erection of the Museum of Science and Art in Dublin	10,000
20.	For erecting and maintaining certain lighthouses abroad	12,310
21.	For diplomatic and consular buildings, including rents and furniture	43,667
	TOTAL CIVIL SERVICES, CLASS I. £	1,430,245

SCHEDULE (B.)—PART 9.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and expenses in the offices of the House of Lords	44,692
2.	For salaries and expenses in the offices of the House of Commons	50,207
3.	For salaries and expenses of the department of Her Majesty's Treasury (including Parliamentary Counsel)	59,610
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices	87,945
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs	73,165
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies	38,617
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments	33,018
8.	For salaries and expenses of the office of the Lord Privy Seal	2,765
9.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments	169,912

No.		Sums not exceeding £
10.	For salaries and expenses of the Charity Commission for England and Wales	32,556
11.	For salaries and expenses of the Civil Service Commission	26,919
12.	For salaries and expenses of the office of the Copyhold, Inclosure, and Tithe Commission	16,941
13.	For imprest expenses under the Inclosure and Drainage Acts	8,130
14.	For salaries and expenses of the department of the Comptroller and Auditor General	51,925
15.	For salaries and expenses of the Registry of Friendly Societies	6,085
16.	For salaries and expenses of the Local Government Board, including various grants in aid of local taxation	384,193
17.	For salaries and expenses of the office of the Commissioners in Lunacy in England	14,994
18.	For salaries and expenses of the Mint, including expenses of the coinage	81,035
19.	For salaries and expenses of the National Debt Office	16,724
20.	For charges connected with the Patent Law Amendment Act, the Registration of Trade Marks Act, and the Registration of Designs Act	27,175
21.	For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin	24,247
22.	For salaries and expenses of the establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners	9,953
23.	For salaries and expenses of the Public Record Office in England	21,877
24.	For salaries and expenses of the department of the Registrar General of Births, &c. in England	47,453
25.	For stationery, printing, binding, and printed books for the two Houses of Parliament, the several departments of Government in England, Scotland, and Ireland, and some dependencies, including the salaries and expenses of the Stationery Office	451,745
26.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments	23,292
27.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings	39,850
28.	For Her Majesty's foreign and other secret services	24,000
29.	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in Exchequer, Scotland, of certain officers in Scotland, and other charges formerly on the hereditary revenue	6,390
30.	For salaries and expenses of the Fishery Board in Scotland	12,948
31.	For salaries and expenses of the Board of Lunacy in Scotland	5,654
32.	For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland	6,754
33.	For salaries and expenses of the Board of Supervision for Relief of the Poor, and for Public Health and Vaccination Act, including certain grants in aid of local taxation in Scotland	18,718
34.	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses	7,000
35.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and subordinate departments	26,778
36.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland	2,078
37.	For salaries and expenses of the Local Government Board in Ireland, including certain grants in aid of local taxation	127,596
38.	For salaries and expenses of the office of Public Works in Ireland	29,785
39.	For salaries and expenses of the Public Record Office, and of the Keeper of the State Papers in Ireland	6,024
40.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of the collection of agricultural and emigration statistics in Ireland	16,709
41.	For salaries and expenses of the general valuation and boundary survey of Ireland	21,644
	TOTAL CIVIL SERVICES, CLASS II. £	2,157,103

SCHEDULE (B.)—PART 10.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For the salaries of the law officers, the salaries and expenses of the department of the Solicitor for the affairs of Her Majesty's Treasury and of the department of the Queen's Proctor for divorce interventions, the costs of prosecutions, including those relating to the coin and to bankruptcy, and of other legal proceedings conducted by those departments, and various other legal expenses, including Statute Law Revision and Parliamentary Agency	72,655
2.	For criminal prosecutions at assizes and quarter sessions in England, including adjudications under the Criminal Justice and the Juvenile Offenders Acts, sheriffs expenses, salaries to clerks of assize and other officers, and for compensation to clerks of the peace and others, and for expenses incurred under Extradition Treaties	183,997
3.	For salaries and expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature	177,610
4.	For salaries and expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice, and for salaries and expenses of the District Registrars of the High Court, and certain circuit expenses	63,190
5.	For salaries and expenses of the Registries of Probate and Divorce and Matrimonial Causes, &c., in the Probate, Divorce, and Admiralty Division of the High Court of Justice	93,674
6.	For salaries and expenses of the offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice	13,344
7.	For salaries and expenses of the office of the Wreck Commissioner	10,692
8.	For salaries and expenses of the London Bankruptcy Court	38,395
9.	For salaries and expenses connected with the County Courts	435,277
10.	For salaries and expenses of the Office of Land Registry	5,418
11.	For salaries and expenses of the police courts of London and Sheerness	14,484
12.	For contribution toward the expenses of the metropolitan police, and the salaries of the Commissioner, Assistant Commissioners, and Receiver	442,650
13.	For certain expenses connected with the police in counties and boroughs in England and Wales, and with the police in Scotland	871,998
14.	For the superintendence of convict establishments and for the maintenance of convicts in convict establishments in England and the Colonies	442,668
15.	For the salaries and expenses of the Commissioners and other officers appointed under the 6th and 7th sections of the Prison Act, 1877, and the expenses of the several prisons in England and Wales to which that Act applies	487,209
15A.	For the expense of the maintenance, &c., of prisoners in county and borough prisons, and of criminal lunatics in private asylums in Great Britain	55,637
16.	For the maintenance of juvenile offenders in reformatory, industrial, and day industrial schools in Great Britain, and for the salaries and expenses of the Inspectors of Reformatories	244,865
17.	For the maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England	25,756
18.	For the expense of Revising Barristers in England	18,900
19.	For salaries and expenses of the Lord Advocate's department and others connected with criminal proceedings in Scotland, including certain allowances under the Act 15 & 16 Vict. c. 83.	67,588
20.	For salaries and expenses of the Courts of Law and Justice in Scotland and other legal charges	61,523
21.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh	36,380
22.	For the expenses of the Prison Commissioners for Scotland, and of the prisons under their control, including the maintenance of criminal lunatics and the preparation of judicial statistics	81,410

No.		Sums not exceeding £
23.	For the expense of criminal prosecutions and other law charges in Ireland, including certain allowances under the Act 15 & 16 Vict. c. 83.	87,428
24.	For salaries and expenses of the Chancery Division (excluding the Land Judge's offices) of the High Court of Justice and of the Court of Appeal in Ireland	39,767
25.	For salaries and expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of Her Majesty's High Court of Justice in Ireland, including provision for certain officers of the Supreme Court of Judicature in Ireland, and for the trial of election petitions	28,219
26.	For the salaries and expenses of the Land Judges offices in the Chancery Division of Her Majesty's High Court of Justice in Ireland	11,362
27.	For the salaries and expenses of the Principal and District Registries of the Probate and Matrimonial Division of Her Majesty's High Court of Justice in Ireland, including certain officers of the court	11,417
28.	For salaries and incidental expenses of the Court of Bankruptcy in Ireland	10,138
29.	For salaries and expenses of the Admiralty Court Registry in Ireland	1,700
30.	For salaries and expenses of the Office for the Registration of Deeds in Ireland	19,472
31.	For salaries and expenses in the Office for the Registration of Judgments in Ireland	2,855
32.	For salaries and expenses of the Commissioners of Police, of the Police Courts, and of the metropolitan police establishment of Dublin	138,385
33.	For the expenses of the constabulary force in Ireland	1,090,202
34.	For the expense of the superintendence of prisons, and of the maintenance of prisoners in prisons in Ireland, and of the registration of habitual criminals	148,153
35.	For the expenses of reformatories and industrial schools in Ireland	81,458
36.	For the maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland	6,376
37.	For certain miscellaneous legal expenses in Ireland	65,483
	Total Civil Services, Class III. £	5,687,735

SCHEDULE (B.)—Part II.

CIVIL SERVICES.—Class IV.

Schedule of Sums granted to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For public education in England and Wales, including the expenses of the Education Office in London	2,149,208
2.	For salaries and expenses of the Department of Science and Art, and of the establishments connected therewith	307,414
3.	For salaries and expenses of the British Museum, including the amount required for furniture, fittings, &c.	112,990
4.	For salaries and expenses of the National Gallery	16,983
5.	For salaries and expenses of the National Portrait Gallery	2,000
6.	For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland	17,050
7.	For salaries and expenses of the University of London	10,944
8.	For preparing an account of the scientific results of the expedition of Her Majesty's ship "Challenger" in 1873, 1874, 1875, and 1876, to investigate the physical and biological conditions of the great ocean basins, and of arranging the collections made during the expedition	4,000
9.	For salaries and expenses of the Royal Commission appointed in connexion with the International Exhibition at Paris, 1878	36,700
10.	For public education in Scotland	497,612
11.	For salaries and expenses of the Board of Education for Scotland	2,435

No.		Sums not exceeding £
12.	For grants to Scottish universities - - - - - - -	18,574
13.	For the annuity to the Board of Trustees of manufactures in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Antiquarian Museum, Scotland, and for the exhibition of the Torrie Collection of Works of Art, and for other purposes	2,100
14.	For public education under the Commissioners of National Education in Ireland -	651,091
15.	For the salary and expenses of the Office of the Commissioners of Education in Ireland appointed for the regulation of endowed schools - - -	640
16.	For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - - - - - - - -	2,389
17.	For expenses of the Queen's University in Ireland - - - -	4,962
18.	In aid of the expenses of the Queen's Colleges in Ireland - - -	12,817
19.	In aid of the expenses of the Royal Irish Academy, &c. - - - -	2,481
	TOTAL CIVIL SERVICES, CLASS IV. - £	3,852,390

SCHEDULE (B.)—PART 12.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For expenses of Her Majesty's embassies and missions abroad - - -	212,320
2.	For consular establishments abroad, and for expenditure under the Act 6 Geo. 4. c. 87. - - - - - - - - - -	248,853
3.	In aid of colonial local revenue, and for the salaries and allowances of governors, &c., and for other expenses in certain colonies - - - - -	41,984
4.	For certain non-effective charges connected with the Orange River Territory and the island of St. Helena - - - - - - -	2,819
5.	For salaries and expenses of the three representatives of Her Majesty's Government on the Council of Administration of the Suez Canal Company - - -	1,620
6.	For expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves, and of other establishments in connexion with that object, including the Muscat subsidy - - -	7,542
7.	For tonnage bounties, bounties on slaves, costs of captors, &c., and expenses of the Liberated African Department - - - - -	13,997
8.	In aid of civil government charges in the island of Cyprus - - -	8,000
	TOTAL CIVIL SERVICES, CLASS V. - £	537,135

SCHEDULE (B.)—PART 13.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding £
1.	For superannuation and retired allowances to persons formerly employed in the public service, and for compassionate or other special allowances and gratuities awarded by the Commissioners of Her Majesty's Treasury - - -	443,561

No.		Sums not exceeding
		£
2.	For pensions to masters and seamen of the merchant service, and to their widows and children	31,250
3.	For the relief of distressed British seamen abroad	29,750
4.	In aid of the local cost of maintenance of pauper lunatics in England and Wales	380,000
5.	In aid of the local cost of maintenance of pauper lunatics in Scotland	68,000
6.	In aid of the local cost of maintenance of pauper lunatics in Ireland	83,800
7.	For the support of certain hospitals and infirmaries in Ireland	17,737
8.	For making good the deficiency arising from payments for interest to savings banks and friendly societies	127,617
9.	For miscellaneous, charitable, and other allowances in Great Britain	4,184
10.	For certain miscellaneous, charitable, and other allowances in Ireland	4,117
	TOTAL CIVIL SERVICES, CLASS VI. £	1,190,016

SCHEDULE (B.)—PART 14.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and incidental expenses of temporary commissions and committees	21,979
2.	For certain miscellaneous expenses	9,402
	TOTAL CIVIL SERVICES, CLASS VII. £	31,381

SCHEDULE (B.)—PART 15.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1879; viz.:—

No.		Sums not exceeding
		£
1.	For salaries and expenses of the Customs Department	980,798
2.	For salaries and expenses of the Inland Revenue Department	1,812,270
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue	3,313,215
4.	For the Post Office packet service	779,245
5.	For salaries and expenses of the Post Office telegraph service	1,114,972
	TOTAL REVENUE DEPARTMENTS £	8,000,500

SCHEDULE (B.)—PART 16.

GREENWICH HOSPITAL AND SCHOOL.

		£
Advances during the year ending on the 31st day of March 1879 for defraying the expenses of Greenwich Hospital and School		148,802

SCHEDULE (B.)—PART 17.

EXCHEQUER BONDS.

	£
To pay off and discharge Exchequer Bonds which will become due and payable during the year ending on the 31st day of March 1879 - - - -	1,500,000

SCHEDULE (B.)—PART 18.

For the expenses of the Abyssinian Expedition of 1867–68 - - - -	£19,865

CHAPTER 66.

An Act to promote Intermediate Education in Ireland.

[16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Intermediate Education (Ireland) Act, 1878.

Establishment of Board.

2. A Board shall be established, to be called "The Intermediate Education Board for Ireland" (in this Act referred to as "the Board"). The Board shall consist of seven members, who shall be appointed by the Lord Lieutenant, and shall hold office during his pleasure.

If any vacancy occurs in the office of any member of the Board by death, resignation, or otherwise, the Lord Lieutenant may appoint some other fit person to fill the vacancy.

The Board shall at their first meeting in every year appoint one member of the Board to be chairman, and another member to be vice-chairman, who shall continue in office for one year.

If any casual vacancy occurs in the office of chairman or vice-chairman the Board shall, at a special meeting to be held not sooner than one month after the occurrence of such vacancy, choose some member of the Board to fill such vacancy, and the chairman or vice-chairman so elected shall continue in office so long only as the person in whose place he is so elected would have been entitled to continue if such vacancy had not occurred.

The Board shall be a body corporate, and shall have a common seal.

Three members of the Board shall form a quorum.

Assistant commissioners and other officers.

3. The Lord Lieutenant may from time to time appoint two assistant commissioners to assist the Board in the execution of this Act, who shall hold office during his pleasure. The assistant commissioners shall also act as secretaries, and, when required, as inspectors. The Board may from time to time, with the consent of the Lord Lieutenant, and with the approval of Her Majesty's Treasury, appoint such examiners for such terms as the Board shall fix, and such other officers as they deem necessary for the purposes of this Act, and may, with such consent as aforesaid, remove such officers.

Salaries and expenses.

4. The following sums shall be paid by the Board out of any moneys for the time being in their hands in pursuance of this Act:

(1.) To each of the two assistant commissioners a salary not exceeding one thousand pounds per annum:

(2.) To the examiners and other officers such salaries or other remuneration as the Board may recommend, with the sanction of the Lord Lieutenant, and as the Commissioners of Her Majesty's Treasury may approve:

(3.) The other expenses of carrying this Act into execution.

Functions of Board.

5. It shall be the duty of the Board to promote intermediate secular education in Ireland in the manner provided by this Act; that is to say,

1. By instituting and carrying on a system of public examinations of students:
2. By providing for the payment of prizes and exhibitions, and the giving of certificates to students:
3. By providing for the payment to managers of schools complying with the prescribed conditions of fees dependent on the results of public examinations of students:
4. Generally by applying the funds placed at the disposal of the Board for the purposes of this Act as hereby directed; provided that no examination shall be held in any subject of religious instruction, nor any payment made in respect thereof.

Rules to be made by Board

6. The Board shall from time to time, with the approval of the Lord Lieutenant, make rules for the purposes of this Act with respect to the following matters:

(1.) For prescribing the duties and powers of the assistant commissioners and other officers:

(2.) For appointing times and places at which examinations shall be held in each year:

(3.) For defining the qualifications of the students who may present themselves for examination:

(4.) For applying, as far as conveniently may be, the benefits of this Act to the education of girls:

(5.) For defining the subjects and nature of the examinations:

(6.) For requiring candidates for examination to give such notice as the Board may prescribe of their intention to present themselves for examination, and for fixing the fees to be paid by candidates upon such notices:

(7.) For fixing the numbers and amounts of the prizes and exhibitions which may be awarded in each year, and for declaring the conditions with respect to age, attendance at school, attendance at the examinations to be held under this Act, and the standard of merit, and conditions with respect to such other matters as the Board may prescribe, upon compliance with which such prizes, exhibitions, and certificates may be obtained and held. No candidate shall be allowed to obtain a pass, nor be awarded any exhibition, prize, or certificate at any examination under this Act, unless he satisfies the examiners that he possesses an adequate knowledge of one at least of the first, second,

third, or fifth divisions of the subjects mentioned in the schedule to this Act:

(8.) For prescribing and satisfying themselves as to the observance of the conditions upon which managers of schools may receive payment of result fees:

(9.) For making proper provisions to carry out the rules in the schedule to this Act, and for varying, altering, and amending the rules contained in such schedule:

(10.) Generally for carrying this Act into effect.

All rules made in pursuance of this Act shall, within three weeks after the same shall have been made, be laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if any such rules shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such rules, or such part thereof as shall be so disapproved, shall thereupon become void and of no effect.

In the meantime, and until altered by rules to be made by the Board in the manner provided by this Act, the rules contained in the schedule to this Act shall govern the proceedings of the Board.

No payment unless conditions as to religious instruction be observed.

7. The Board shall not make any payment to the managers of any school unless it be shown to the satisfaction of the Board that no pupil attending such school is permitted to remain in attendance during the time of any religious instruction which the parents or guardians of such pupil shall not have sanctioned, and that the time for giving such religious instruction is so fixed that no pupil not remaining in attendance is excluded directly or indirectly from the advantages of the secular education given in the school.

Finance.

32 & 33 Vict. c. 42.

8. For the purpose of carrying this Act into effect, the Commissioners of Church Temporalities in Ireland shall, out of the property accruing to the Commissioners under the Irish Church Act, 1869, when and as required by the Board, provide for the use of the Board, either in cash or in securities or rentcharges of an equivalent value, such amount, not exceeding in the whole one million of pounds sterling, as the Board shall estimate to be required for the purposes of this Act.

The annual income arising from the amount so provided shall be applied by the Board for the purposes of this Act, and if and so far as the same shall not in each or any year be required to be so applied, the same shall be invested by the Board by way of accumulation in the purchase of Government securities.

Extension of borrowing power of Commissioners of Church Temporalities.

32 & 33 Vict. c. 42.

9. The several provisions of the Irish Church Act, 1869, with respect to the raising of money by the Commissioners of Church Temporalities in Ireland, and the giving of security for the repayment thereof, and of interest thereon, and with respect to advances to be made by the Commissioners for the Reduction of the National Debt to the said Commissioners of Church Temporalities, and with respect to the powers of the Commissioners of Her Majesty's Treasury in relation to the money so to be raised, shall be extended and shall apply to the purposes of this Act as fully as such provisions apply to the purposes of the Irish Church Act, 1869.

10. The Board shall present an annual report to the Lord Lieutenant, to be laid before both Houses of Parliament, and the Board shall prepare, in such form and either annually or for such shorter periods as the Commissioners of Her Majesty's Treasury may direct, accounts of the receipts and expenditure of the capital and the revenues derived from all funds under the control of the Board under this Act; and within three months after the expiration of each year, or other shorter period to which the accounts relate, the Board shall transmit the same to the Comptroller and Auditor General, to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts, with the reports of the Comptroller and Auditor General thereon, shall be laid before both Houses of Parliament not later than two months after they have been tendered for audit, if Parliament be then sitting, and if not sitting, then within one week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the expenses of carrying this Act into execution, and shall be defrayed accordingly.

Reports and accounts.

29 & 30 Vict. c. 39.

SCHEDULE OF RULES.

Section 6.

Examinations.

Examinations extending over a course of three years shall be held in accordance with the rules following:

1. The examinations in each of the three years shall be held between the first day of June and the first day of August, at convenient centres to be selected by the Board, with the approval of the Lord Lieutenant. The examinations shall be held, if possible, in the Town Hall or other public building suitable for the purpose. The following shall be the divisions of the subjects of examination; viz.,
   (1.) The ancient language, literature, and history of Greece;
   (2.) The ancient language, literature, and history of Rome;
   (3.) The language, literature, and history of Great Britain and Ireland;
   (4.) The language, literature, and history of France, Germany, and Italy, or any one of them, either separately or together, with the Celtic language and literature;
   (5.) Mathematics, including arithmetic and book-keeping;
   (6.) Natural sciences; and
   (7.) Such other subjects of secular education as the Board may from time to time prescribe.
2. A programme of the examinations, including a list of the authors in which the literary part of the examinations shall consist, shall be furnished by the Board to any person on application.
3. The Board shall, before the first day of January in each year, prepare and publish a list of examiners in the various subjects for the year, to which list additions may, if necessary, be made during the year from time to time; and a sufficient number shall be selected from such list, with the approval of the Lord Lieutenant, to conduct the examinations.
4. A student of the first year's course shall be under the age of sixteen years on the first day of June in the year in which he shall first present himself for examination. No student shall be eligible to present himself for examination in either the second or the third year's course

in any year after 1879 and 1880 respectively, who shall not have been examined and have passed in two divisions at least in the year previous to his so presenting himself, unless the Board shall, for special reasons to be stated by them in each case, dispense with this condition of eligibility. In the year 1879 any student may present himself for examination in the second year's course who shall be under the age of 17 years on the 1st day of June in that year; and in that year and in 1880 any student may present himself for examination in the third year's course who shall be under the age of 18 years on the first day of June in the year in which he shall so present himself.

5. Every student desiring to be examined in any year shall, in the month of April previous to his presenting himself for examination, send to the Board notice of his intention so to do, accompanied by a certificate of age. A fee not exceeding 2*s.* 6*d.* shall be payable upon every notice given by a student, and shall be paid in such manner as the Board shall order. A number shall be assigned to each student so giving notice of his intention to be examined, by which alone he shall be known in the subsequent examination. Before admitting any student to examination, the Board shall satisfy itself that during the twelve months immediately preceding the date of examination he has pursued a course of study in Ireland.

Prizes and Exhibitions.

Exhibitions not exceeding 20*l.* a year, tenable for three years, shall be awarded to the students obtaining the highest places at the examination for the first year, who shall have passed in three divisions at the least.

Exhibitions not exceeding 30*l.* a year, tenable for two years, shall be awarded to the students obtaining the highest places at the examination for the second year, who shall have passed in three divisions at the least.

No student shall hold two such exhibitions at the same time.

No exhibition or prize (except medals or minor prizes) under the Act shall be tenable by any student holding a scholarship, exhibition, or free scholarship from any other endowment.

No exhibition shall continue to be held by any student in any year subsequent to the year in which he has obtained it, unless in each such subsequent year he presents himself for examination and passes in three divisions at the least, and obtains a certificate of merit in one of such divisions.

Upon the recommendation of the examiners silver medals and prizes in books will be awarded to students of merit, who pass in three divisions in any year, and obtain certificates of merit in two of them, but fail to obtain exhibitions.

Prizes not exceeding 50*l.* shall be awarded to the students obtaining the highest places at the examination in the third year's course. No student to whom such a prize is awarded shall continue to hold any exhibition under this Act previously held by him.

The number of prizes and exhibitions to be awarded in each year shall be determined by assigning one prize or exhibition according to the respective years for every ten students in the aggregate who shall have passed in three of the divisions of examination for each such year.

Such prizes and exhibitions shall be awarded to the students highest in order of merit in the general examination list for the whole country in each year, without reference to the order of merit in the examination list for any particular place of examination.

Results Fees.

Results fees shall be paid to the managers of schools for students who, having attended their schools from the 15th of October of the year previous to that of the examination, and having made at least one hundred attendances

from that date to the last day of the month preceding the examination, may obtain passes according to the following scale :—

	One Division.	Two Divisions.	Three Divisions.	Four Divisions.	Five Divisions.	Six Divisions.
	£	Not exceeding £	Not exceeding £	Not exceeding £	Not exceeding £	Not exceeding £
First year -	Nil	3	4	5	—	—
Second year -	—	4	5	6	7	—
Third year -	—	5	6	7	8	10

For the purposes of this rule a school shall mean any educational institution (not being a national school) which affords classical or scientific education to pupils not exceeding eighteen years of age, of whom not less than ten shall have made one hundred attendances at the least in the period between the fifteenth of October and the last day of the month preceding the examination in respect to which the result fees are claimed.

CHAPTER 67.

An Act for extending and amending the Foreign Jurisdiction Acts. [16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Construction of Act, and short titles. 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

1.—(1.) This Act shall be construed as one with the Foreign Jurisdiction Acts, 1843 to 1875, and those Acts together with this Act, may be cited as the Foreign Jurisdiction Acts, 1843 to 1878, and this Act may be cited separately as the Foreign Jurisdiction Act, 1878.

(2.) The Acts whereof the titles are given in the First Schedule to this Act may be cited by the respective short titles given in that schedule.

Repeal of enactments in Second Schedule.

2. The Acts mentioned in the Second Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned: Provided that,—

(1) any Order in Council, commission, or instructions made or issued in pursuance of any enactment hereby repealed, and in force at the passing of this Act, shall continue in force until altered or revoked by Her Majesty; and

(2) this repeal shall not affect anything done or suffered, or any right accrued or liability incurred before the passing of this Act; and

(3) any action, suit, or other proceeding affected by any enactment hereby repealed may be carried on in like manner as if this Act had not been passed.

Power for Queen in Council to extend enactments in First Schedule.

3.—(1.) It shall be lawful for Her Majesty the Queen in Council, if it seems fit, from time to time, by Order, to direct that all or any of the enactments described in the First Schedule to this Act, or any enactments for the time being in force amending or substituted for the same, shall extend, with or without any exceptions, adapta-

6 & 7 Vict. c. 94.

tions, or modifications in the Order mentioned, to any country or place to which for the time being the Foreign Jurisdiction Act, 1843, applies.

(2.) Thereupon those enactments shall operate as if that country or place were one of Her Majesty's Colonies, and as if Her Majesty in Council were the Legislature of that Colony.

Validity of orders made under Foreign Jurisdiction Acts.
6 & 7 Vict. c. 94.
28 & 29 Vict. c. 116.
29 & 30 Vict. c. 87.
38 & 39 Vict. c. 85.

4. An Order in Council purporting to be made in pursuance of the Foreign Jurisdiction Acts, 1843 to 1878, or any of them, shall be deemed a colonial law within the Colonial Laws Validity Act, 1865, that is to say, the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter sixty-three, "to remove doubts as to the validity of colonial laws;" and any country or place to which any such Order extends shall be deemed a colony within that Act.

Extension of Foreign Jurisdiction Acts over Her Majesty's subjects residing in countries without regular governments.
6 & 7 Vict. c. 94.

5. In any country or place out of Her Majesty's dominions, in or to which any of Her Majesty's subjects are for the time being resident or resorting, and which is not subject to any government from whom Her Majesty might obtain power and jurisdiction by treaty or any of the other means mentioned in the Foreign Jurisdiction Act, 1843, Her Majesty shall by virtue of this Act have power and jurisdiction over Her Majesty's subjects for the time being resident in or resorting to that country or place, and the same shall be deemed power and jurisdiction had by Her Majesty therein within the Foreign Jurisdiction Act, 1843.

6 & 7 Vict. c. 94.

Jurisdiction over ships in Eastern seas.

6. It shall be lawful for Her Majesty the Queen in Council, from time to time, by Order, to make, for the government of Her Majesty's subjects being in any vessel at a distance of not more than one hundred miles from the coast of China or of Japan, any law that to Her Majesty in Council may seem meet, as fully and effectually as any such law might be made by Her Majesty in Council for the government of Her Majesty's subjects being in China or in Japan.

Orders in Council to be laid before Parliament.
6 & 7 Vict. c. 94.
28 & 29 Vict. c. 116.
29 & 30 Vict. c. 87.
38 & 39 Vict. c. 85.

7. Every Order in Council made in pursuance of the Foreign Jurisdiction Acts, 1843 to 1878, or any of them, shall be laid before both Houses of Parliament forthwith after it is made if Parliament be then in session, and if not, forthwith after the commencement of the then next session of Parliament.

Provisions for protection of persons acting under Foreign Jurisdiction Acts.
6 & 7 Vict. c. 94.
28 & 29 Vict. c. 116.
29 & 30 Vict. c. 87.
38 & 39 Vict. c. 85.

8.—(1.) An action, suit, prosecution, or proceeding against any person for any act done in pursuance or execution or intended execution of the Foreign Jurisdiction Acts, 1843 to 1878, or any of them, or of any Order in Council made under the same, or of any such power or jurisdiction of Her Majesty as is mentioned in the said Acts or any of them, or in respect of any alleged neglect or default in the execution of the said Acts or any of them, or of any such Order in Council, power, or jurisdiction as aforesaid, shall not lie or be instituted—

(*a.*) in any court within Her Majesty's dominions, unless it is commenced within six months next after the act, neglect, or default complained of, or in case of a continuance of injury or damage, within six months next after the ceasing thereof, or where the cause of action arose out of Her Majesty's dominions, within six months after the parties to such action, suit, prosecution, or proceeding have been within the jurisdiction of the court in which the same is instituted;

(*b.*) nor in any of Her Majesty's courts without Her Majesty's dominions, unless the cause of action arose within the jurisdiction of that court, and the action is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof.

(2.) In any such action, suit, or proceeding, tender of amends before the same was commenced may be pleaded in lieu of or in addition to any other plea. If the action, suit, or proceeding was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action, suit, or proceeding.

(3.) So far as regards any action, suit, prosecution, or proceeding instituted after the passing of this Act, the provisions of this section shall supersede any provision for a like purpose which is contained in any Order in Council under the Foreign Jurisdiction Acts, 1843 to 1875, and is in force at the passing of this Act, and such provision shall cease to have any effect. 6 & 7 Vict. c. 94. 28 & 29 Vict. c. 116. 29 & 30 Vict. c. 87. 38 & 39 Vict. c. 85.

SCHEDULES.

FIRST SCHEDULE. Sections 1, 3.

Enactments referred to.

Session and Chapter.	Title.	Short Title.
6 & 7 Vict. c. 34. -	An Act for the better Apprehension of certain Offenders.	Fugitive Offenders Act, 1843.
12 & 13 Vict. c. 96.	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty.	Admiralty Offences Colonial Act, 1849.
14 & 15 Vict. c. 99. Sections seven and eleven.	An Act to amend the law of evidence - -	Evidence Act, 1851.
17 & 18 Vict. c. 104. Part X.	The Merchant Shipping Act, 1854.	
19 & 20 Vict. c. 113.	An Act to provide for taking evidence in Her Majesty's Dominions in relation to civil and commercial matters pending before Foreign Tribunals.	Foreign Tribunals Evidence Act, 1856.
22 Vict. c. 20. -	An Act to provide for taking evidence in Suits and Proceedings pending before Tribunals in Her Majesty's Dominions, in places out of the jurisdiction of such Tribunals.	Evidence by Commission Act, 1859.
22 & 23 Vict. c. 63.	An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions, when pleaded in the Courts of another Part thereof.	British Law Ascertainment Act, 1859.
23 & 24 Vict. c. 122.	An Act to enable the Legislatures of Her Majesty's Possessions Abroad to make Enactments similar to the Enactment of the Act ninth George the Fourth, chapter thirty-one, section eight.	Admiralty Offences Colonial Act, 1860.

Session and Chapter.	Title.	Short Title.
24 & 25 Vict. c. 11.	An Act to afford facilities for the better ascertainment of the Law of Foreign Countries when pleaded in Courts within Her Majesty's Dominions.	Foreign Law Ascertainment Act, 1861.
30 & 31 Vict. c. 124. Section eleven.	The Merchant Shipping Act, 1867.	
37 & 38 Vict. c. 94. Section fifty-one.	The Conveyancing (Scotland) Act, 1874.	

Section 2.

SECOND SCHEDULE.

Enactments repealed.

Session and Chapter.	Title.	Extent of Repeal.
6 & 7 Vict. c. 80. -	An Act for the better government of Her Majesty's subjects resorting to China.	The whole Act.
6 & 7 Vict. c. 94. -	The Foreign Jurisdiction Act, 1843 - -	Section seven.

CHAPTER 68.

An Act to provide for the foundation of four new Bishoprics in England. [16th August 1878.]

WHEREAS it is expedient to provide increased episcopal supervision in certain parts of England, in accordance with the proposals mentioned in the schedule to this Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Bishoprics Act, 1878.

Public contributions to endowment fund.

2. The Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) shall receive all contributions which may be made by the public for the purposes of the endowment of any new bishopric mentioned in the schedule to this Act, and carry the amount of such contributions to a fund to be called the endowment fund of the bishopric for which such contribution is made. Such contributions may include any gift or bequest of real and personal property not exceeding the limits prescribed by this Act for the endowment fund of each bishopric; and the powers of donors to bestow and of the Ecclesiastical Commissioners to receive such gifts shall be the same as those enacted in the Act of second and third years of the reign of Queen Anne, chapter eleven, and of the Act of the forty-third year of the reign of King George the Third, chapter one hundred and seven, enabling donors to vest gifts in the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy for the benefit of ministers officiating in churches and chapels.

Contribution to endowment fund from existing bishopric.

3. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment of any new bishopric mentioned in the schedule to this Act such portion of the endowment or income of the existing bishopric mentioned in the schedule to this Act in connexion with that new bishopric (which existing bishopric is in this Act referred to as a contributory bishopric) as is in the said schedule in that behalf mentioned.

Establishment of bishopric on provision of sufficient endowment.

4. Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal, with respect to the endowment fund of any new bishopric mentioned in the schedule to this Act, either—

(1.) That the annual value of such endowment fund, together with the annual sum which will ultimately be derived in pursuance of this Act from a contributory bishopric (when calculated in manner in this Act mentioned), is not less than three thousand five hundred pounds a year, or

(2.) That the annual value of such endowment fund, together with the annual sum which will ultimately be derived in pursuance of this Act from a contributory bishopric (when calculated in manner in this Act mentioned), is not less than three thousand pounds a year, and that contributions to that fund sufficient to raise the same, within five years from the date of the certificate, up to three thousand five hundred pounds a year have been guaranteed to the satisfaction of the Commissioners,

Her Majesty, by Order in Council, may found that new bishopric, with a diocese and cathedral church, in accordance with the schedule to this Act, and may declare the time at which such Order founding the bishopric is to come into operation.

Her Majesty, by the same or any other Order in Council, may constitute the bishop of such bishopric a body corporate, and invest the bishop with all such rights, privileges, and jurisdictions as are now possessed by any other bishop in England, or such of them as to Her Majesty may seem meet, and may subject such bishop to the metropolitan jurisdiction of the archbishop in that behalf mentioned in the schedule to this Act.

In calculating the annual value of the endowment fund of a new bishopric for the purposes of this section there shall be included—

(1.) If a fitting episcopal residence has been provided by or to the satisfaction of the Ecclesiastical Commissioners, the annual value of such episcopal residence, which shall be reckoned at five hundred pounds; and

(2.) The net annual income of the part of the endowment fund actually invested, and such sum as the Commissioners think will be the net annual income of the part of the endowment fund not actually invested at the date of the certificate; and

(3.) Where any contribution to the endowment fund consists of an annual sum payable during life or other limited period the whole of that sum, if in the opinion of the Commissioners the like annual sum will, at the termination of such life or other period, become payable as part of the endowment fund.

The annual sum which will be ultimately derived in pursuance of this Act from a contributory bishopric shall be reckoned, for the purposes of this section, at the net annual sum directed by the schedule to this Act to be yielded by the transferred portion of the endowment or income of the contributory bishopric, if no deduction were made for first-fruits and tenths, and shall be calculated whether the transfer is or not actually made, and whether the annual sum is or not for the time being actually payable to the new bishopric.

The number of bishops sitting in Parliament not to be increased.

5. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of a new bishopric in pursuance of this Act; and whenever there is a vacancy among such Lords Spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the see so avoided; and if such vacancy is caused by the avoidance of any see other than one of the five sees aforesaid, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who having been longest bishop of a see in England has not previously become entitled to such writ:

Provided, that where a bishop is translated from one see to another, and was at the date of his translation actually sitting as a Lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

Supplemental Provisions.

Appointment of bishop of new bishopric.

6. So long as there is not a dean and chapter of any new bishopric founded in pursuance of this Act, Her Majesty may appoint the bishop of that bishopric by letters patent, and those letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

From and after the foundation of such dean and chapter a vacancy in that bishopric shall be filled in the same manner as a vacancy in any other bishopric in England founded in the reign of any of Her Majesty's predecessors.

Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, offices of archdeaconries, and other incidental arrangements for constituting new bishopric.

7. Whenever such certificate as is in this Act mentioned has been given by the Ecclesiastical Commissioners with respect to the endowment fund of any new bishopric, the Ecclesiastical Commissioners shall lay before Her Majesty in Council for confirmation a scheme for all or any of the following matters in relation to that bishopric; namely,

(1.) For assigning to the bishop of that bishopric all or any such courts, officers, and jurisdiction belonging to any bishop in England as it may be thought expedient to assign, and for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or agency would otherwise be required, and for the custody of the spiritualities during a vacancy in the see by the archbishop to whose metropolitan jurisdiction the bishop is subject; and

(2.) For making such arrangements as may be thought expedient, by the creation and endowment of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric, and for transferring any archidiaconal dignity from an existing cathedral church to the cathedral church of the new bishopric; and

(3.) For transferring (subject to any right enjoyed by any person at the passing of this Act) to the bishop of the new bishopric the patronage of all or some of the ecclesiastical dignities and benefices situate in his diocese, the patronage of which is immediately before the foundation of the new bishopric vested in the bishop of the diocese in which the same are then situate; and

(4.) For transferring the portion of the endowment or income of a contributory bishopric directed by this Act to be transferred to the endowment fund of the new bishopric, subject to the payment of a proportionate part of the tenths and first-fruits payable by the bishop of the contributory bishopric; and

(5.) For enabling any archdeacon whose archdeaconry is affected by the foundation of the new bishopric to reside in any place in which he is residing at the date of the scheme, and for making such arrangements as may seem to the Ecclesiastical Commissioners requisite to preclude any officer holding office at the date of the passing of this Act from being prejudiced by this Act or any Order in Council or scheme made thereunder; and

(6.) For founding honorary canonries in the cathedral church of the new bishopric, with power to dispense with the consent of any dean and chapter so long as there is no such dean and chapter in existence for that bishopric, and to provide for the transfer to the cathedral church of the new bishopric of such non-residentiary or honorary canons in the cathedral church of any contributory bishopric as on the foundation of the new bishopric hold benefices in the diocese of the new bishopric and consent to the transfer; and

(7.) For providing for the transfer, so soon so practicable, to the registrar or other officer of the diocese of the new bishopric, from the bishop's registrar or diocesan officer in possession of the same, of all terriers tithe apportionments maps plans and other documents relating to the several ecclesiastical parishes situate in the diocese of the new bishopric; and

(8.) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect the foundation of the new bishopric and the scheme relating thereto.

Trusts of bishopric endowment fund.

8. The endowment fund of a new bishopric under this Act shall be held by the Ecclesiastical Commissioners upon the trusts following; that is to say, upon trust to provide a net annual income not exceeding four thousand two hundred pounds a year, and a fitting residence, for the bishop of the bishopric, and subject as aforesaid upon trust to make good to the contributory bishopric the portion

of the endowment or income of that bishopric directed by this Act to be transferred to the new bishopric, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric in such manner as may be from time to time provided by Order in Council.

All annual income arising from the endowment fund of a new bishopric shall, until the bishopric is founded as provided by this Act, be invested and accumulated as part of the endowment fund; but the Ecclesiastical Commissioners shall have full power to sell (discharged from all trusts) invest manage lease and otherwise deal with the fund and the property on which it may for the time being be invested, in such manner as they may deem most expedient for the purposes of their trust.

The Ecclesiastical Commissioners may invest the whole or any part of the endowment fund of a new bishopric in the purchase of land, and may hold such land without any license in mortmain, and may from time to time, but after the appointment of a bishop with the consent of the bishop for the time being of the bishopric, assign to such bishop and his successors, as an endowment for the bishopric the lands so purchased, if convenient to be held by such bishopric: Provided that there shall not be assigned as an endowment to the said bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of four thousand two hundred pounds.

The endowment of a bishopric under this Act shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England.

Confirmation of scheme and validity and publication of Orders in Council.

9. It shall be lawful for Her Majesty by Order in Council to confirm a scheme laid before Her Majesty in pursuance of this Act, and a scheme made in pursuance of this Act shall be of no effect until it has been so confirmed.

An Order in Council made in pursuance of this Act shall have effect as if it were enacted in this Act.

An Order in Council made in pursuance of this Act shall be published in the London Gazette, and shall as soon as practicable after the making thereof be laid before both Houses of Parliament.

Miscellaneous, and Saving Clauses.

Amendment of 38 & 39 Vict. c. 34.

10. Notwithstanding anything contained in section nine, subsection two, of the Bishopric of Saint Albans Act, 1875, it shall be lawful for the person who at the passing of this Act is Archdeacon of Rochester and Saint Albans, if and when the Archdeaconry of Rochester shall have been severed from the Archdeaconry of Saint Albans under the provisions of the Bishopric of Saint Albans Act, 1875, to resign the archidiaconal jurisdiction conferred upon him as Archdeacon of the Archdeaconry of Saint Albans by the London Diocese Act, 1863, without thereby vacating the canonry in the cathedral church of Rochester annexed to the Archdeaconry of Saint Albans, and to continue to hold such canonry so long as he continues to be Archdeacon of Saint Albans.

38 & 39 Vict. c. 34.

26 & 27 Vict. c. 30.

The Ecclesiastical Commissioners for England may pay out of their common fund any annual sum not exceeding two hundred

pounds to the person who may upon such resignation be appointed Archdeacon of Rochester until the next avoidance of the canonry now held by the Archdeacon of Rochester and Saint Albans.

"Parish" in the Bishopric of Saint Albans Act, 1875, shall be taken to have the same meaning with "ecclesiastical parish" in this Act. 38 & 39 Vict. c. 34.

11. In the event of the foundation of a new bishopric of Liverpool the Ecclesiastical Commissioners may at any time and from time to time lay before Her Majesty in Council for confirmation a scheme for re-arranging the boundary between the dioceses of the bishoprics of Liverpool and Manchester by transferring to the diocese of Liverpool any ecclesiastical parish or parishes situate at the date of the scheme in the diocese of Manchester, and by transferring to the diocese of Manchester any ecclesiastical parish or parishes situate at the date of the scheme in the diocese of Liverpool, or by either of such transfers: Power to rearrange boundaries of the dioceses of Manchester and Liverpool.

Provided that the assent of each bishop whose diocese is affected by the transfer shall, unless the see happens to be vacant, be given to the scheme before it is laid before Her Majesty in Council.

A scheme under this section may contain such provisions in relation to archdeaconries and archdeacons, to patronage, to the transfer of non-residentiary or honorary canons, to the transfer of terriers tithe apportionments maps plans and other documents, and to other provisions and arrangements in like manner so nearly as circumstances admit as if it were a scheme in pursuance of this Act in relation to a new bishopric.

12. The service of any person, either before or partly before and partly after the foundation of a new bishopric in pursuance of this Act, or before or partly before and partly after any transfer is made in pursuance of this Act of an ecclesiastical parish from one diocese to another diocese, as incumbent or curate in any ecclesiastical parish which, in pursuance of this Act, is constituted part of a different diocese from that of which it formed part prior to such foundation or transfer, shall, for the purpose of qualifying such incumbent or curate to be presented or nominated to any benefice in the patronage of the chapter of any cathedral or collegiate church, be deemed to be service in the diocese in which such parish is situate at the time of the foundation or transfer, or in the diocese in which such parish is situate at the date of the presentation or nomination. Saving as to service as incumbent or curate in transferred parishes.

13. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of a new bishopric in pursuance of this Act, or of the dean and chapter of such bishopric, save in so far as relates to any sum made payable out of the endowment or income of any contributory bishopric transferred in pursuance of the express provisions of this Act. Common fund of Commissioners not applicable to endowment.

14. "Ecclesiastical parish" in this Act means a parish, new parish, ecclesiastical district, or place, within the limits of which any parson has the exclusive cure of souls. Definition of "ecclesiastical parish."

SCHEDULE.

Proposals for New Bishoprics.

I.—*Bishopric of Liverpool.*

1. The bishop to be Bishop of Liverpool.

2. The diocese to consist of the West Derby hundred of the county of Lancaster, with the exception of so much of the said hundred as is now in the diocese of Manchester, and to include the whole of the ancient parish of Wigan.

3. Such church at Liverpool as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Liverpool such portion of the endowment or income of the bishopric of Chester as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the Bishop of Liverpool of a proportionate part of the first-fruits and tenths payable by the Bishop of Chester.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

II.—*Bishopric of Newcastle.*

1. The bishop to be Bishop of Newcastle.

2. The diocese to consist of the county of Northumberland, and the counties of the towns of Newcastle-upon-Tyne and Berwick-upon-Tweed, and to include such detached parts of any other county as are under any Act of Parliament deemed to form part of the county of Northumberland, or have been or can be transferred to the county of Northumberland by the justices in general or quarter sessions assembled, and to include also the ancient common law parish of Alston with its chapelries in the county of Cumberland.

3. The parish church of Saint Nicholas at Newcastle-upon-Tyne, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Newcastle such portion of the endowment or income of the bishopric of Durham as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of one thousand pounds, but such transfer shall be subject to the payment by the Bishop of Newcastle of a proportionate part of the first-fruits and tenths payable by the Bishop of Durham.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

III.—*Bishopric of Southwell.*

1. The bishop to be Bishop of Southwell.

2. The diocese to consist of the counties of Derby and Nottingham.

3. The parish and collegiate church of Southwell, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwell such portion of the endowment or income of the bishopric of Lincoln as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of five hundred pounds, but such transfer shall be subject to the payment by the Bishop of Southwell of a proportionate part of the first-fruits and tenths payable by the Bishop of Lincoln.

Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Southwell such portion of the endowment or income of the bishopric of Lichfield as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the Bishop of Southwell of a proportionate part of the first-fruits and tenths payable by the Bishop of Lichfield.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of Canterbury.

IV.—*Bishopric of Wakefield.*

1. The bishop to be Bishop of Wakefield.

2. The diocese to consist of that part of the diocese of the bishopric of Ripon which lies southward of the northern boundaries of the ancient common law parishes of Halifax, Birstal, Batley, West Ardsley, East Ardsley, and Wakefield, or of so much of that part as may be determined by the Order of Her Majesty in Council, and for the purpose of re-arranging the boundary between such diocese and the diocese of the archbishopric of York, the Order of Her Majesty in Council (on the recommendation of the Ecclesiastical Commissioners, made, unless the see happens to be vacant, with the assent of the archbishop) may include in the diocese of the new bishopric any ecclesiastical parish or parishes situate in the diocese of York, and may transfer to the diocese of York any ecclesiastical parish or parishes situate in the above-mentioned part of the diocese of the bishopric of Ripon.

3. Such church at Wakefield as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Wakefield such portion of the endowment or income of the bishopric of Ripon as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the bishop of the new bishopric of a proportionate part of the first-fruits and tenths payable by the Bishop of Ripon.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

CHAPTER 69.

An Act to amend the Law regulating the Office of Clerk of Petty Sessions, and the Law relating to Fines, in Ireland; and for other purposes. [16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 21 & 22 Vict. c. 100.

1. This Act may be cited for all purposes as the Petty Sessions Clerks and Fines (Ireland) Act, 1878; and the Petty Sessions Clerk (Ireland) Act, 1858, in this Act referred to as "the principal Act," and this Act may be cited together for all purposes as the Petty Sessions Clerks (Ireland) Acts, 1858 and 1878.

Petty Sessions Clerks.

Scale of salaries.

2. From and after the passing of this Act so much of the principal Act as provides that the salary to be paid to any petty sessions

clerk shall not exceed the amount specified in Schedule A. of the said Act in respect of the class in which such clerk is included, shall be and is hereby repealed; and it shall be lawful for the Lord Lieutenant to fix, and from time to time to vary, a scale of salaries to be paid to the several petty sessions clerks in lieu of the scale set forth in the said schedule.

Suspension from office.

3. In case any charge of neglect, incompetence, or misconduct is made against any petty sessions clerk in Ireland, it shall be lawful for the Lord Lieutenant, if he shall think fit, to make an order suspending such petty sessions clerk from his office; or for the justices of any district, if they shall think fit, for which such petty sessions clerk acts to make an order in petty sessions suspending such clerk from his office in such district. Every such order shall continue in force until such charge shall be disposed of. Whenever any such clerk has been so suspended from his office the justices at petty sessions may appoint some other person to act as clerk at such petty sessions for the time being. When the justices at petty sessions appoint any person to act as clerk for the time being under the authority of the eighth section of the principal Act, or under the authority of this section, the person so appointed shall, if required by the justices or by the registrar, before entering upon his duties as such clerk, enter into security for the due discharge of his duties in the manner prescribed by the eleventh section of the principal Act.

Time of payment of salaries.

4. From and after the passing of this Act so much of the principal Act as prescribes that every salary and annual sum payable to any clerk of petty sessions shall be ordered to be paid by two half-yearly payments in each year shall be and is hereby repealed; and it shall be lawful for the Lord Lieutenant to order that every salary or annual sum payable to any clerk of petty sessions shall be paid at such times and in such manner as the Lord Lieutenant shall think fit.

Mode of accounting.

5. From and after the passing of this Act every petty sessions clerk, instead of accounting in the manner prescribed by the twenty-third section of the principal Act, shall account with the registrar for all stamps issued to him by the registrar since his appointment or since the period to which his last previous account may have been carried down, and such account shall be made and passed in such form and at such times and in such manner as the Lord Lieutenant shall for that purpose direct; and all moneys received by the clerk for such stamps shall be lodged by him in the Bank of Ireland to the credit of the registrar of petty sessions clerks account at such times and in such manner as shall be from time to time prescribed by the registrar; and in case any such clerk fails to render such account, or to make such lodgments, or to make such other returns as he shall be directed by the registrar to render, and is convicted thereof before any two justices in petty sessions, he shall be liable to a penalty not exceeding twenty pounds; and a certificate by the registrar of such failure shall be primâ facie evidence of the same in any proceeding before such justices.

Extension of power to make rules for clerks.

6. The power of making general rules conferred upon the Lord Lieutenant by the twenty-ninth section of the principal Act shall be construed and extended so as to authorise the making from time

to time of regulations defining the duties of clerks of petty sessions, and the mode of performing the same; and the Lord Lieutenant may, if he shall think fit, provide for the making of allowances and granting remuneration to petty sessions clerks for any duties imposed on them by any such rules, to be paid out of the funds at the disposal of the Lord Lieutenant for the purposes of the principal Act; and the Lord Lieutenant may, if he shall think fit, by general rules, or by order in each case, direct how the salary of any petty sessions clerk suspended from his office shall be disposed of; and may, if he shall think fit, provide for the payment of remuneration to any person appointed as a substitute for such suspended clerk, either out of the salary of such suspended clerk, or out of the funds at the disposal of the Lord Lieutenant for the purposes of the principal Act.

All fees payable to clerks to be taken by stamps.

7. All fees and emoluments whatsoever in addition to those specified in the Schedule C. to the principal Act, which may at any time be receivable by clerks of petty sessions, under any existing or future Act, shall be denoted by stamps of the character and description mentioned in the principal Act, and shall be dealt with and accounted for as therein and herein is provided with respect to the fees therein mentioned, and all the provisions of the principal Act relating to stamps shall be applicable thereto.

Fines and Stamps.

Process to levy fines on jurors to be issued to constabulary.

8. After the passing of this Act, no warrant or process shall be issued to any sheriff to levy the amount of any fine imposed upon any person for non-attendance as a juror, or any issues directed to be levied; but in every such case the warrant or process for levying the same shall be issued to the Royal Irish Constabulary or Dublin Metropolitan Police, as the case may be, and shall be subject to the several provisions of the Fines Act (Ireland), 1851, so far as the same are applicable to other warrants issued to the constabulary or Dublin Metropolitan Police.

14 & 15 Vict. c. 90.

It shall be lawful for the Lord Lieutenant to charge the fund produced by fines on jurors with the payment to the Royal Irish Constabulary, and to the Dublin Metropolitan Police, and to such officers of the several courts by which such fines are imposed, of such remuneration for their services in respect to the imposition, and levy of such fines, as the Lord Lieutenant shall from time to time appoint.

Masters may impose fines on jurors.

9. If any man, having been duly summoned and returned to serve as a juror upon any inquest or inquiry before the master of any division of the High Court of Justice, shall not, after being openly called three times, appear, and service of such summons be duly proved, such master shall have the same authority to impose a fine upon every man so making default as is by the forty-eighth section of the Juries Act (Ireland), 1871, given to a sheriff or coroner; and all the provisions of the said section regarding a fine imposed by a sheriff or coroner shall apply to a fine so imposed by such master.

34 & 35 Vict. c. 65.

Fees on service of summons. Amendment of 14 & 15 Vict. c. 93. s. 12.

10. So much of the twelfth section of the Petty Sessions (Ireland) Act, 1851, as limits the amount which may be paid to a summons server for the service of each summons to the sum of sixpence shall

be and is hereby repealed; and instead thereof any such summons server shall be entitled to be paid by the complainant or person for whom he may be employed, such sum not exceeding the sum specified for each case in the schedule to this Act annexed, according to the distance necessarily travelled by such summons server in effecting each such service upon each party or witness (or upon any number of parties or witnesses in the same case who shall be served in the same house) as the justices shall fix.

Miscellaneous.

Form of Order Book.

11. The Lord Lieutenant may from time to time, by Order made by and with the advice and consent of the Privy Council, alter the form of Order Book to be used by justices in petty sessions.

Offices of clerk of the Crown and clerk of the peace.
40 & 41 Vict. c. 56.

12. From and after the passing of this Act, the several powers conferred by the eighth section of the County Officers and Courts (Ireland) Act, 1877, shall extend to, and may be exercised in every case in which any one or more of the offices included or which might be included in any union of offices for the holder whereof but one salary is specified in Schedule D. to the said Act shall become or be vacant, and in each case in which but one salary is in the said schedule specified for the clerk of the Crown and peace for more than one county, the Lord Lieutenant by Order in Council may unite the offices of clerk of the Crown and of clerk of the peace, and may assign a reasonable salary for the clerk of the Crown and peace, for each such county, and may vary any one or more of the salaries specified in the said schedule, and such salaries shall be paid in the same manner as, but in lieu of, the salary or salaries specified in the said schedule and affected by such Order; provided that by the exercise of the powers aforesaid the salary of any officer shall not be diminished during his tenure of office, nor shall the total amount of all the salaries made payable at any time be increased beyond the total amount in the said schedule mentioned. The several powers aforesaid shall extend and may be applied to each riding of the county of Cork as a separate county, and either riding may for the purposes of the said Act, and of this section, be united with the county of the city of Cork. The duties under the said Act and under this Act of every officer appointed to any office included or which might be included in any union of offices made or which might be made under any of the powers aforesaid may be defined, distributed, prescribed, and regulated by Order of the Lord Lieutenant made by and with the advice and consent of the Privy Council.

Superannuation.

Superannuation.

13. The Lord Lieutenant may, if he shall think fit, grant to the registrar or to any clerk or servant employed in the office of the registrar, upon his retirement from office, a pension, to be payable out of the same funds, and chargeable thereon in the same proportions respectively, upon which the salaries or other remuneration of the registrar and clerks and servants are chargeable; and in ascertaining and awarding the amount of such superannuation, the Lord Lieutenant shall proceed according to the principles laid down by the Superannuation Act, 1859.

22 Vict. c. 26.

SCHEDULE.

Fees payable to Summons Servers.

	s.	d.
Where distance travelled shall not exceed four miles - -	0	6
Where distance travelled shall exceed four miles - -	1	0

The distance to be reckoned in each case to the place of service, from the Petty Sessions Court of the district; and the return journey is not to be taken into account.

CHAPTER 70.

An Act to continue various expiring Laws.

[16th August 1878.]

WHEREAS the several Acts mentioned in column one of part one of the schedule to this Act are, to the extent specified in column two of that part of the schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-eight; and the Act mentioned in column one of part two of the schedule is, to the extent specified in column two of the said part, limited to expire on the day mentioned in the fourth column of the schedule:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Expiring Laws Continuance Act, 1878. Short title.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-nine, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner. Continuance of Acts in schedule.

SCHEDULE.

PART I.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	——

1. Original Acts.	2. How far continued.	3. Amending Acts.
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	——
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners -	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	——
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act - - -	20 & 21 Vict. c. 7.
(8) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(9) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(10) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	——
(11) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	——
(12) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of Commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(13) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	——
(14) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	——
(15) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	——
(16) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	——
(17) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(18) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act so far as it is not repealed.	——
(19) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	——
(20) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act.	——
(21) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act.	34 & 35 Vict. c. 61.
(22) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	——
(23) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	——

PART II.

1. Original Act.	2. How far continued.	3. Amending Act.	4. Date to which continued.
(24) 36 & 37 Vict. c. 48. Railway Commissioners.	The whole Act -	37 & 38 Vict. c. 40. (Part II.)	21st July 1878 and end of then next session.

CHAPTER 71.

An Act to extend to Metropolitan Commons certain provisions of the Commons Act, 1876. [16th August 1878.]

WHEREAS it is expedient to extend to the commons situate within the area prescribed by the Metropolitan Commons Act, 1866, certain provisions contained in the Commons Act, 1876: 29 & 30 Vict. c. 122. 39 & 40 Vict. c. 56.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 29 & 30 Vict. c. 122. 32 & 33 Vict. c. 107.

1. This Act shall be cited as the Metropolitan Commons Act, 1878, and shall be read as forming one Act with the Metropolitan Commons Acts, 1866 and 1869.

Power to Metropolitan Board to acquire and hold common rights. 18 & 19 Vict. c. 120. 39 & 40 Vict. c. 56.

2. The Metropolitan Board of Works shall, in respect of any common situate within the metropolis as defined by the Metropolis Management Act, 1855, have the same power to purchase and hold, with a view to prevent the extinction of the rights of common, any saleable rights in common, or any tenement of a commoner having annexed thereto rights of common, as is conferred by the fifth para-

graph of the eighth section of the Commons Act, 1876, upon an urban sanitary authority in respect of a suburban common.

Extension of certain provisions of 39 & 40 Vict. c. 56. to metropolitan commons. 29 & 30 Vict. c. 122. 32 & 33 Vict. c. 107.

3. Sections thirty and thirty-one of the Commons Act, 1876, shall, after the passing of this Act, apply to metropolitan commons within the meaning of the Metropolitan Commons Acts of 1866 and 1869.

CHAPTER 72.

An Act to prohibit the sale of Intoxicating Liquors on Sunday in Ireland. [16th August 1878.]

WHEREAS the sale of intoxicating liquors in Ireland is prohibited during certain hours on Sunday, and it will be for the public benefit to extend such prohibition, save in the places herein-after mentioned, to the whole of that day, and with a view to such extension otherwise to amend the law regulating licensed houses in the manner by this Act provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of Acts prohibiting sale of intoxicating liquors to the whole of Sunday, with certain exceptions.

1. All the provisions of any Act now in force whereby the sale or exposing for sale of intoxicating liquors, or the opening or keeping open of any premises for the sale of intoxicating liquors, is prohibited during any hours or times on Sunday, are hereby extended to the whole of Sunday in all places except the following; (that is to say,) within the Metropolitan Police District of Dublin Metropolis, and within the cities of Cork, Limerick, and Waterford, and the town of Belfast; and within the said police district and within the said cities and town the said hours or times are hereby extended, and shall be as follows, that is to say, up to the hour of two o'clock in the afternoon, and after the hour of seven o'clock in the evening on Sunday.

Penalties for selling of intoxicating liquors during prohibited hours extended to whole of Sunday.

2. All penalties now in force under the provisions of any Act for selling or exposing for sale, or purchasing, or opening, or keeping open any premises for the sale of intoxicating liquors, or being present in or upon any such premises during any hours or times on Sunday, and all provisions of any Acts now in force in reference to such penalties, are hereby extended to any violation of the provisions of this Act.

Exemptions.

3. Nothing in this Act shall be construed to apply to sales of intoxicating liquor to lodgers, or to the sale of intoxicating liquor in packet boats, or in canteens in pursuance of any Act regulating the same, or shall preclude the sale at any time at a railway station of intoxicating liquors on arrival or departure of trains, or to bonâ fide travellers as described in the Licensing Act of 1874.

37 & 38 Vict. c. 69.

Commencement of Act.

4. This Act shall come into operation on the first of October one thousand eight hundred and seventy-eight; provided that nothing herein contained shall prohibit the sale of intoxicating liquor in pursuance of any license now held until the expiration of the period for which such license has been granted.

Short title.

5. This Act may be cited for all purposes as the Sale of Liquors on Sunday (Ireland) Act, 1878.

Extension of Act.

6. This Act shall extend to Ireland only.

Act to continue in force until 31st Dec. 1882.

7. This Act shall continue in force until the thirty-first day of December one thousand eight hundred and eighty-two, and no longer, unless Parliament shall otherwise determine; and on the said day, all the provisions of any Act now in force regulating the hours of opening or keeping open of any premises for the sale of intoxicating liquors on Sunday shall come into operation and take effect as if this Act had not been passed.

CHAPTER 73.

An Act to regulate the Law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of Her Majesty's Dominions.

[16th August 1878.]

WHEREAS the rightful jurisdiction of Her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of Her Majesty's dominions to such a distance as is necessary for the defence and security of such dominions:

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of Her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Territorial Waters Jurisdiction Act, 1878.

Amendment of the law as to the jurisdiction of the Admiral.

2. An offence committed by a person, whether he is or is not a subject of Her Majesty, on the open sea within the territorial waters of Her Majesty's dominions, is an offence within the jurisdiction of the Admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly.

Restriction on institution of proceedings for punishment of offence.

3. Proceedings for the trial and punishment of a person who is not a subject of Her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the Admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of Her Majesty's Principal Secretaries of State, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of Her Majesty out of the United Kingdom, except with the leave of the Governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted.

Provisions as to procedure.

4. On the trial of any person who is not a subject of Her Majesty for an offence declared by this Act to be within the jurisdiction of the Admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or

certificate of the Secretary of State or Governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of Her Majesty's Principal Secretaries of State as respects the United Kingdom, and by the Governor as respects any other part of Her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

Saving as to jurisdiction.

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of Her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

Saving as to piracy.

6. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the Admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law, or custom relating thereto.

Definitions.

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings herein-after assigned to them; that is to say,

"Jurisdiction of the Admiral:"

"The jurisdiction of the Admiral," as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the Admiral, the territorial waters adjacent to the United Kingdom, or any other part of Her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of Her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer:

"United Kingdom:"

"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands:

"Territorial waters of Her Majesty's dominions."

"The territorial waters of Her Majesty's dominions," in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of Her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of Her Majesty; and for the purpose of any offence declared by this Act to be

within the jurisdiction of the Admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of Her Majesty's dominions:

"Governor," as respects India, means the Governor General or the Governor of any presidency; and where a British possession consists of several constituent colonies, means the Governor General of the whole possession or the Governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of Governor shall be included under the term "Governor:" "Governor:"

"Offence" as used in this Act means an act, neglect, or default of such a description as would, if committed within the body of a county in England, be punishable on indictment according to the law of England for the time being in force: "Offence:"

"Ship" includes every description of ship, boat, or other floating craft: "Ship:"

"Foreign ship" means any ship which is not a British ship. "Foreign ship."

CHAPTER 74.

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals; and for other purposes. [16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.—GENERAL.

1. This Act may be cited as the Contagious Diseases (Animals) Act, 1878. Short title.

2.—(1.) This Act shall, except as otherwise expressed, commence and have effect from and immediately after the thirtieth day of September one thousand eight hundred and seventy-eight, which time is in this Act referred to as the commencement of this Act. Commencement of Act.

(2.) But on and after the passing of this Act any Order of Council and Order in Council necessary or proper for bringing this Act into operation at the commencement thereof, and any order or regulation of a local authority authorised by any such Order of Council or in Council, may be made so that the same do not take effect before the commencement of this Act; and on and after the passing of this Act any committee and any inspector or other officer may be appointed to act under this Act as from the commencement thereof.

3. This Act is divided into parts, as follows: Division of Act into parts.

Part I.—General.
Part II.—England.
Part III.—Scotland.
Part IV.—Ireland.

Repeal of enactments in schedule, with savings and other provisions.

4. (1.) The enactments described in the First Schedule are hereby repealed, subject to the qualifications and exceptions in this Act mentioned.

(2.) The repeal of enactments or any other thing in this Act shall not—

(i.) Affect the past operation of any of those enactments, or any Order of Council or in Council or regulation of a local authority made, or any licence granted, or any committee or sub-committee constituted, or any appointment made, or any right, title, obligation, or liability accrued, or any money borrowed, or any market, wharf, lair, landing-place, or other accommodation provided, or any rate or mortgage made, or the validity or invalidity of anything done or suffered, under any of those enactments before the commencement of this Act.

(ii.) Interfere with the institution or prosecution of any action or proceeding, civil or criminal, in respect of any offence committed against, or penalty or forfeiture incurred or liability accrued under or in consequence of, any of those enactments or any order or regulation made thereunder:

(iii.) Take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(3.) Notwithstanding the repeal of enactments or any other thing in this Act, every Order of Council and in Council and other thing in this section mentioned shall continue and be as if this Act had not been passed; but so that the same may be revoked, altered, or otherwise dealt with under this Act, as if it had been made or done under this Act.

32 & 33 Vict. c. 70. 40 & 41 Vict. c. 68.

(4.) This Act, instead of the Contagious Diseases (Animals) Act, 1869, shall be deemed to be referred to in the Destructive Insects Act, 1877; and penalties under the provisions of that Act relating to Great Britain shall be recoverable in manner provided in Parts II. and III. of this Act.

Interpretation and construction.

5.—(1.) In this Act—

(i.) "Cattle" means bulls, cows, oxen, heifers, and calves:

(ii.) "Animals" means, except where it is otherwise expressed, cattle, sheep, and goats, and all other ruminating animals, and swine:

(iii.) "Disease" means cattle plague (that is to say, rinderpest, or the disease commonly called cattle plague), contagious pleuro-pneumonia of cattle (in this Act called pleuro-pneumonia), foot-and-mouth disease, sheep-pox, or sheep-scab:

(iv.) "Diseased" means affected with disease:

(v.) "Suspected" means suspected of being diseased:

(vi.) "Carcase" means the carcase of an animal, and includes part of a carcase, and the meat, bones, hide, skin, hoofs, horns, offal, or other part of an animal, separately or otherwise, or any portion thereof:

(vii.) "Fodder" means hay or other substance commonly used for food of animals:

(viii.) "Litter" means straw or other substance commonly used for bedding or otherwise for or about animals:

(ix.) "Foreign," applied to a country, denotes a country out of the United Kingdom of Great Britain and Ireland, and applied to

animals and things, means brought to the United Kingdom of Great Britain and Ireland from a foreign country:

(x.) "Inspector of the Privy Council" or "inspector of a local authority" means a person appointed to be an inspector for purposes of this Act, by the Privy Council, or by a local authority, as the case may be; and "inspector," used alone, means such a person, by whichever authority appointed:

(xi.) "Veterinary inspector" means an inspector being a member of the Royal College of Veterinary Surgeons, or any veterinary practitioner qualified as approved by the Privy Council:

(xii.) "Treasury" means the Commissioners of Her Majesty's Treasury:

(xiii.) "The Corporation of London" means the Mayor and Commonalty and Citizens of the City of London, acting by the Mayor, Aldermen, and Commons of that City, in Common Council assembled:

(xiv.) "The Customs Acts" means the Customs Consolidation Act, 1876, and any enactment amending or substituted for that Act: 39 & 40 Vict. c. 36.

(xv.) "Justice" means justice of the peace:

(xvi.) "Court of summary jurisdiction" means two or more justices sitting in petty sessions at a court or other public place appointed in that behalf, or a police, stipendiary, or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices, and sitting at a police court or other place appointed in that behalf:

(xvii.) "Railway company" includes a company or persons working a railway under lease or otherwise:

(xviii.) "Person" includes a body corporate or unincorporate:

(xix.) "Part" means part of this Act, and "Schedule" means Schedule to this Act:

(2.) The schedules shall be construed and have effect as part of this Act.

(3.) In the computation of time for purposes of this Act, a period reckoned by days from the happening of an event or the doing of an act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done.

PART II.—ENGLAND.

6. Part II. applies to England. Extent of Part II.

7. In and for purposes of Part II.— Definition of county and other districts.

(i.) "County" does not include a county of a city or a county of a town, but includes a riding or division or parts of a county having a separate commission of the peace:

(ii.) The liberty of the Isle of Ely and the soke of Peterborough are each a county:

(iii.) Every other liberty or franchise of a county is part of the county by which it is surrounded, or, if partly surrounded by two or more counties, is part of that county with which it has the longest common boundary:

(iv.) "Metropolis" has the same meaning as in the Metropolis Management Act, 1855: 18 & 19 Vict. c. 120.

(v.) "Borough" means—

5 & 6 W. 4. c. 76.

(*a.*) A place for the time being subject to the Municipal Corporation Act, 1835; or

(*b.*) A place having for the time being under any general or local Act of Parliament, or otherwise, a separate police establishment:

(vi.) Every place not being a county, borough, part of the Metropolis, or named in the Second Schedule, forms part of the county to the county rate whereof it is assessed, or, if it is not so assessed, forms part of the county wherein it is situate.

Privy Council.

Powers of Privy Council.

8.—(1.) In this Act Her Majesty's Most Honourable Privy Council is referred to as the Privy Council, and an Order of the Privy Council under this Act is referred to as an Order of Council.

(2.) Powers by this Act conferred on the Privy Council may be exercised by the Lords and others of the Privy Council, or two of them; and, as regards the making of orders and doing of acts affecting only particular local authorities, persons, ports, towns, districts, places, areas, vessels, or things, and as regards the issuing and revocation of licences, and the appointment or removal of inspectors and other officers, may be exercised by the Lord President of the Council or one of Her Majesty's Principal Secretaries of State.

Local Authorities.

Local authorities described in schedule.

9. For the purposes of this Part, the respective districts, authorities, rates, and officers described in the Second Schedule, shall be the district, the local authority, the local rate, and the clerk of the local authority, but subject as regards the Metropolis to the following provisions:

(i.) The Corporation of London shall alone be the local authority in and for the Metropolis for purposes of the provisions of this Act relating to foreign animals:

(ii.) The City of London and the liberties thereof shall contribute for purposes of this Act to the Metropolitan Consolidated Rate:

(iii.) No part of the expenses of the local authority for a county shall be included in any precept or warrant for the levying or collection of a county rate within the Metropolis.

Cattle Plague.

Declaration of infected place in cattle plague by inspector.

10.—(1.) Where it appears to an inspector that cattle plague exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place, with all lands and buildings contiguous thereto in the same occupation, shall become and be a place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(4.) The inspector shall serve a like notice, signed by him, unless, in the circumstances, this appears to him not to be expedient, on the occupiers of all lands and buildings, any part whereof lies in his judgment within one mile in any direction from that cow-shed,

field, or other place, or on the occupiers of any of those lands and buildings.

(5.) Thereupon, all the lands and buildings aforesaid, on the occupiers whereof the inspector serves such a notice, shall become and be part of the aforesaid place infected with cattle plague, subject to the determination and declaration of the Privy Council.

(6.) The inspector shall, with all practicable speed, inform the Privy Council and the local authority of his declaration and notices, and shall send to the Privy Council his declaration and a copy of his secondly-mentioned notice (if any).

(7.) The Privy Council shall forthwith on receipt of the information inquire into the correctness of the inspector's declaration.

(8.) If the Privy Council are satisfied of the correctness of that declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with cattle plague.

(9.) If the Privy Council are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of cattle plague, they shall by order determine and declare accordingly; and thereupon, as from the time specified in the order, the place comprised in the inspector's declaration and notices shall cease to be a place infected with cattle plague.

Declaration of infected place in cattle plague by Privy Council.

11. The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with cattle plague.

Declaration of infected area in cattle plague.

12. The Privy Council may from time to time, if they think fit, by order declare any area, wherein a place infected with cattle plague is situate, to be an area infected with cattle plague.

Alteration of infected place or area in cattle plague.

13. The Privy Council may from time to time, if they think fit, by order extend, contract, or otherwise alter the limits of a place or area infected with cattle plague.

Declaration of freedom from cattle plague.

14. The Privy Council may at any time, if they think fit, by order declare a place or area infected with cattle plague, or part thereof, to be free from cattle plague.

Slaughter by Privy Council in cattle plague, and compensation out of public money.

15.—(1.) The Privy Council shall cause to be slaughtered—

(i.) All animals affected with cattle plague:

(ii.) All animals being or having been in the same shed or stable, herd or flock, or in contact, with an animal affected with cattle plague.

(2.) The Privy Council may, if they think fit, in any case cause to be slaughtered—

(iii.) All animals suspected of cattle plague, or being in a place infected with cattle plague:

(iv.) All animals being in such parts of an area infected with cattle plague as are not comprised in a place infected with cattle plague (but in this last-mentioned case subject to such regulations as the Treasury from time to time think fit to make).

(3.) The Privy Council shall, for animals slaughtered under this section, pay compensation as follows, out of money provided by Parliament:

(*a.*) Where the animal slaughtered was affected with cattle plague, the compensation shall be one half of its value immediately

before it became so affected, but so that the compensation do not in any such case exceed twenty pounds:

(*b.*) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Pleuro-Pneumonia.

Declaration of infected place in pleuro-pneumonia by local authority.

16.—(1.) Where it appears to an inspector of a local authority that pleuro-pneumonia exists, or has within fifty-six days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of the declaration on the occupier of that cow-shed, field, or other place.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with pleuro-pneumonia, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration, with the assistance and advice of a veterinary inspector, or of a person qualified according to this Act to be such.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with pleuro-pneumonia, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with pleuro-pneumonia any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with pleuro-pneumonia.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of cattle, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of cattle, should be prohibited or restricted by Order of Council.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent

section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of cattle found to be affected with pleuro-pneumonia while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the cattle.

Declaration or extension of infected place in pleuro-pneumonia by Privy Council.

17.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with pleuro-pneumonia.

(2.) The Privy Council may from time to time, if they think fit, by order extend the limits of a place infected with pleuro-pneumonia, declared either by a local authority or by the Privy Council.

Declaration of infected area in pleuro-pneumonia by Privy Council.

18.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with pleuro-pneumonia is situate to be an area infected with pleuro-pneumonia, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of cattle, and shall either prohibit the holding thereof accordingly, or allow the same to be held on such terms and conditions as they think fit to prescribe.

Rules for pleuro-pneumonia.

19. The rules set forth in the Third Schedule shall have effect in relation to a place or area infected with pleuro-pneumonia.

Declaration of freedom from pleuro-pneumonia.

20.—(1.) Where a local authority have declared a place to be infected with pleuro-pneumonia, they may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(2.) Where the Privy Council or a local authority have declared a place to be infected with pleuro-pneumonia, the Privy Council may, if they think fit, at any time after the expiration of fifty-six days from the date of the cessation therein of that disease, but not sooner, declare by order that place to be free from pleuro-pneumonia.

(3.) Where the Privy Council have declared an area to be infected with pleuro-pneumonia, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with pleuro-pneumonia, declare by order that area, or that portion thereof, to be free from pleuro-pneumonia.

Slaughter by local authority in pleuro-pneumonia, and compensation out of local rates.

21.—(1.) A local authority shall cause all cattle affected with pleuro-pneumonia to be slaughtered within two days after the existence of the disease is known to them.

(2.) A local authority may, if they think fit, cause any cattle being or having been in the same shed or herd, or in contact, with cattle affected with pleuro-pneumonia to be slaughtered.

(3.) The local authority shall out of the local rate pay compensation as follows for cattle slaughtered under this section:

(i.) Where the animal slaughtered was affected with pleuro-pneumonia, the compensation shall be three fourths of its value

immediately before it became so affected, but so that the compensation do not in any such case exceed thirty pounds:

(ii.) In every other case the compensation shall be the value of the animal immediately before it was slaughtered, but so that the compensation do not in any case exceed forty pounds.

Foot-and-Mouth Disease.

Declaration of infected place in foot-and-mouth disease by local authority.

22.—(1.) Where it appears to an inspector of a local authority that foot-and-mouth disease exists, or has within ten days existed, in a cow-shed, field, or other place, he shall forthwith make and sign a declaration thereof.

(2.) He shall serve a notice, signed by him, of that declaration on the occupier of that cow-shed, field, or other place, and also on the occupier or occupiers of any lands or buildings contiguous thereto as he shall consider necessary.

(3.) Thereupon that cow-shed, field, or other place shall become and be a place infected with foot-and-mouth disease, subject to the determination and declaration of the local authority.

(4.) The inspector shall, with all practicable speed, inform the local authority of his declaration and notice, and shall send his declaration and a copy of his notice to the local authority.

(5.) The local authority shall forthwith on receipt of that information inquire into the correctness of the inspector's declaration.

(6.) If the local authority are satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly, and prescribe the limits of the place infected with foot-and-mouth disease, and may, if they think fit, include within those limits any lands or buildings adjoining or near to the cow-shed, field, or other place to which the inspector's declaration relates.

(7.) The local authority may include in a place infected with foot-and-mouth disease any adjoining part of the district of another local authority, with the previous consent in writing of that authority, but not otherwise.

(8.) If the local authority are not satisfied of the correctness of the inspector's declaration as regards the existence or past existence of disease, they shall by order determine and declare accordingly; and thereupon, as from the time specified in that behalf in their order, the cow-shed, field, or other place to which the inspector's declaration relates shall cease to be a place infected with foot-and-mouth disease.

(9.) The local authority shall forthwith report to the Privy Council the declaration of the inspector, and the proceedings of the local authority thereon, and shall state whether or not it is, in their opinion, expedient that an infected area, comprising the infected place, shall be declared, and, if so, what should, in their opinion, be the limits of that area, and whether or not there is within that area any place used for the holding of a market, fair, exhibition, or sale of animals, and, if so, whether or not it is, in their opinion, expedient that the holding in that area, while infected, of a market, fair, exhibition, or sale of animals should be prohibited or restricted by Order of Council.

(10.) This section shall, notwithstanding anything therein contained, be construed and have effect subject to the subsequent section in this Act contained, whereby the Privy Council are required to make, by order, provision respecting the case of animals found to be affected with foot-and-mouth disease while exposed for sale or exhibited in a market, fair, sale-yard, or place of exhibition, and in other circumstances specified in the same section, and generally while being in a place not in the possession or occupation, or under the control, of the owner of the animals.

Declaration or extension of infected place in foot-and-mouth disease by Privy Council.

23.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any cow-shed, field, or other place, with or without any lands or buildings adjoining or near thereto, to be a place infected with foot-and-mouth disease.

(2.) The Privy Council may from time to time, if they think fit, on any evidence satisfactory to them, by order extend the limits of a place infected with foot-and-mouth disease, declared either by the Privy Council or by a local authority.

Declaration of infected area in foot-and-mouth disease by Privy Council.

24.—(1.) The Privy Council may at any time, if they think fit, on any evidence satisfactory to them, by order declare any area wherein a place infected with foot-and-mouth disease is situate to be an area infected with foot-and-mouth disease, and may from time to time, if they think fit, by order extend the limits of such an area.

(2.) The Privy Council, on making any such order, shall consider whether it is necessary or expedient to prohibit the holding in that area, while infected, of any market, fair, exhibition, or sale of animals, and shall either prohibit the holding thereof accordingly or allow the same to be held on such terms and conditions as they think fit to prescribe.

Rules for foot-and-mouth disease.

25. The rules set forth in the Fourth Schedule shall have effect in relation to a place or area infected with foot-and-mouth disease.

Declaration of freedom from foot-and-mouth disease.

26.—(1.) Where a local authority have declared a place to be infected with foot-and-mouth disease, they may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(2.) Where the Privy Council or a local authority have declared a place to be infected with foot-and-mouth disease, the Privy Council may, if they think fit, at any time after the expiration of fourteen days from the date of the cessation therein of that disease, or of such longer period, not exceeding twenty-eight days from that date, as the Privy Council from time to time by general order direct, but not sooner, declare by order that place to be free from foot-and-mouth disease.

(3.) Where the Privy Council have declared an area to be infected with foot-and-mouth disease, they may, if they think fit, at any time when there is not within that area, or within some particular portion thereof, any place infected with foot-and-mouth disease, declare, by order, that area, or that portion thereof, to be free from foot-and-mouth disease.

Exceptional Powers for Transit, and other cases.

Privy Council to provide for pleuro-pneumonia and foot-and-mouth disease during transit, and in other cases.

27.—(1.) The Privy Council shall, as soon as may be after the passing of this Act, and thereafter from time to time, by general order make such further or other provision as they think necessary or expedient respecting the case of animals found to be affected with pleuro-pneumonia or foot-and-mouth disease—

(i.) While exposed for sale or exhibited in a market, fair, sale-yard, place of exhibition, or other place; or

(ii.) While placed in a lair or other place before exposure for sale; or

(iii.) While in transit or in course of being moved by land or by water; or

(iv.) While in a foreign animals wharf or foreign animals quarantine station; or

(v.) While being in a slaughter-house or place where animals are slaughtered or are kept with a view to slaughter; or

(vi.) While being on common or uninclosed land; or

(vii.) Generally, while being in a place not in the possession or occupation or under the control of the owner of the animals.

(2.) The Privy Council shall, by general orders under this section, from time to time make such provision as they think fit for the consequences under this Act of animals being so found in the circumstances aforesaid, as well with regard to the animals as with regard to the places where they are when so found and other places, and with regard to animals being or having been in the same shed or stable, herd or flock, or in contact, with animals so found.

(3.) The Privy Council may from time to time, by special orders under this section relating to particular places, make such provision as they think fit for the consequences aforesaid.

(4.) Every order under this section shall have full effect notwithstanding any provision of this Act requiring the declaration of a place infected by pleuro-pneumonia or foot-and-mouth disease, or relating to any consequence thereof, or to any matter connected therewith, and notwithstanding any other provision whatsoever of this Act.

Infected Places and Areas, generally.

General provisions respecting declaration of infected places and areas.

28.—(1.) The Privy Council may, from time to time, make such general orders as they think fit, subject and according to the provisions of this Act, for prescribing the cases in which places and areas are to be declared to be infected with a disease other than cattle plague, pleuro-pneumonia, or foot-and-mouth disease, and the authority, mode, and conditions by, in, and on which declarations in that behalf are to be made, and the effect and consequences thereof, and the duration and discontinuance thereof, and other matters connected therewith.

(2.) Every place or area so declared infected, as well as a place or area declared infected with cattle plague, pleuro-pneumonia, or foot-and-mouth disease, shall be an infected place or area within this Act.

(3.) Notwithstanding anything in this Act, where the Privy Council, on inquiry, and after communication with the local autho-

rity, but without prejudice to the powers of the Privy Council as regards cattle plague, are satisfied that a declaration of a place being an infected place has been made in error respecting the existence or past existence of disease or respecting the limits of a place, or respecting any other matter of fact whereon the declaration proceeded, the Privy Council may, by order, cancel the declaration as regards the infected place, or as regards any part thereof, as they think fit.

(4.) Where, in accordance with the provisions of this Act, a place or area or a portion of an area is declared free from a disease, or a declaration of a place being an infected place is cancelled, as regards the place or as regards any part thereof, then, as from the time specified in that behalf by the Privy Council or a local authority, as the case may be, the place or area, or that portion of the area, or that part of the place, shall cease to be, or to be in, an infected place or area.

(5.) An order of the Privy Council or of a local authority declaring a place or area to be an infected place or area, or a place or area, or a portion of an area, to be free from disease, or cancelling a declaration, shall be conclusive evidence to all intents of the existence or past existence or cessation of the disease, or of the error, and of any other matter whereon the order proceeds.

Slaughter in Disease, and Compensation, generally.

Power for Privy Council to provide for slaughter in other diseases.

29. The Privy Council may from time to time make such orders as they think fit, subject and according to the provisions of this Act, for directing or authorising, in case of the existence of any disease other than cattle plague or pleuro-pneumonia, slaughter of animals by local authorities, either generally or in particular instances, and in all or any of such cases payment of compensation for the same by local authorities out of the local rate.

General provisions relative to slaughter and compensation.

30.—(1.) The Privy Council may, notwithstanding anything in this Act, reserve for observation and treatment an animal liable to be slaughtered under this Act by order of the Privy Council or of a local authority, but subject to payment of compensation by the Privy Council or the local authority, as the case may be, as in case of actual slaughter.

(2.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the carcase of the animal shall belong to the Privy Council or to the local authority, as the case may be, and shall be buried, or sold, or otherwise disposed of by them, or as they direct, as the condition of the animal or carcase and other circumstances may require or admit; and any money received by a local authority on any such sale shall be carried by them to the credit of the local rate.

(3.) If in any case, the sum received by the Privy Council or a local authority on sale of a carcase under this section exceeds the amount paid for compensation to the owner of the animal slaughtered, the Privy Council or local authority, as the case may be, shall pay that excess to the owner, after deduction of reasonable expenses.

(4.) Where an animal is slaughtered under this Act by order of the Privy Council or of a local authority, the Privy Council or local authority, as the case may be, may use for the burial of the carcase

any ground in the possession or occupation of the owner of the animal and suitable in that behalf, or any common or uninclosed land, but, as regards the use by a local authority of common or uninclosed land, not without the approval of the Privy Council.

(5.) If the owner of an animal slaughtered under this Act by order of the Privy Council or of a local authority has an insurance on the animal, the amount of the compensation awarded to him under this Act may be deducted by the insurers from the amount of the money payable under the insurance before they make any payment in respect thereof.

(6.) A local authority shall keep, as the Privy Council from time to time by general order direct, a record relative to slaughter, which record shall be admitted in evidence.

(7.) Notwithstanding anything in this Act, the Privy Council or a local authority, as the case may be, may, if they think fit, withhold, either wholly or partially, compensation or other payment in respect of an animal slaughtered under this Act by their respective order, where the owner or the person having charge thereof has, in their respective judgment, been guilty, in relation to the animal, of an offence against this Act, or where the animal, being a foreign animal, was, in their respective judgment, diseased at the time of its landing.

Notice of Disease to Police.

Separation of diseased animals, and notice to constable.

31.—(1.) Every person having in his possession or under his charge an animal affected with disease shall, as far as practicable, keep that animal separate from animals not so affected, and shall, with all practicable speed, give notice of the fact of the animal being so affected to a constable of the police establishment for the police district or area, county, borough, town, or place wherein the animal so affected is.

(2.) The constable to whom notice is given shall forthwith give information thereof to such person or authority as the Privy Council from time to time by general order direct.

(3.) The Privy Council from time to time may make such general orders as they think fit for prescribing and regulating the notice to be given to or by any person or authority in case of any particular disease, or in case of the illness of an animal, and for supplementing or varying for those purposes any of the provisions of this section.

Disease and Movement, generally.

Power for Privy Council to make orders for prevention or checking of disease, and other purposes.

32. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing and regulating the publication by placards, handbills, or otherwise, in the immediate neighbourhood of a place or area declared infected, of the fact of such declaration.

(ii.) For prohibiting or regulating the movement of animals and persons into, in, or out of an infected place or area.

(iii.) For prescribing and regulating the isolation or separation of animals being in an infected place or area.

(iv.) For prohibiting or regulating the removal of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things into, in, or out of an infected place or area.

(v.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases, fodder, litter, utensils, pens, hurdles, dung, or other things, being in an infected place or area, or removed thereout.

(vi.) For prescribing and regulating the cleansing and disinfecting of infected places and areas, or parts thereof.

(vii.) For prescribing and regulating the disinfecting of the clothes of persons coming in contact with or employed about diseased or suspected animals, or being in an infected place, and the use of precautions against the spreading of disease by such persons.

(viii.) For prohibiting or regulating the digging up of carcases buried.

(ix.) For prohibiting or regulating the exposure of diseased or suspected animals in markets or fairs or sale-yards, or other public or private places, where animals are commonly exposed for sale, and the placing thereof in lairs or other places adjacent to or connected with markets or fairs, or where animals are commonly placed before exposure for sale.

(x.) For prohibiting or regulating the sending or carrying of diseased or suspected animals, or of dung or other thing likely to spread disease, or the causing the same to be sent or carried, on railways, canals, rivers, or inland navigations, or in coasting vessels, or otherwise.

(xi.) For prohibiting or regulating the carrying, leading, or driving of diseased or suspected animals, or the causing them to be carried, led, or driven on highways or thoroughfares, or elsewhere.

(xii.) For prohibiting or regulating the placing or keeping of diseased or suspected animals on commons or uninclosed lands, or in fields or other places insufficiently fenced, or on the sides of highways.

(xiii.) For prescribing and regulating the seizure, detention, and disposal of a diseased or suspected animal exposed, carried, kept, or otherwise dealt with in contravention of an Order of Council; and for prescribing and regulating the liability of the owner or consignor or consignee of the animal to the expenses connected with the seizure, detention, and disposal thereof.

(xiv.) For prescribing the mode of ascertainment of the value of an animal slaughtered, or liable to be slaughtered, by order of the Privy Council or of a local authority.

(xv.) For regulating applications for, and the mode of payment of, compensation to be paid out of money provided by Parliament.

(xvi.) For prescribing and regulating the destruction, burial, disposal, or treatment of carcases of animals slaughtered by order of the Privy Council or of a local authority, or dying while diseased or suspected.

(xvii.) For prohibiting or regulating movement of animals, and the removal of carcases, fodder, litter, dung, and other things, and for prescribing and regulating the isolation of animals newly purchased.

(xviii.) For prescribing and regulating the issuing and production of licences respecting movement and removal of animals and things.

(xix.) For prohibiting or regulating the holding of markets, fairs, exhibitions, and sales of animals.

(xx.) For prescribing and regulating the cleansing and disinfecting of places used for the holding of markets, fairs, exhibitions, and sales of animals, or for lairage of animals, and yards, sheds, stables, and other places used for animals.

(xxi.) For prescribing and regulating the cleansing and disinfecting of vessels, vehicles, and pens and other places, used for the carrying of animals for hire or purposes connected therewith.

(xxii.) For prescribing modes of cleansing and disinfecting.

(xxiii.) For insuring for animals carried by sea a proper supply of food and water and proper ventilation during the passage and on landing.

(xxiv.) For protecting them from unnecessary suffering during the passage and on landing.

(xxv.) For protecting animals from unnecessary suffering during inland transit.

(xxvi.) For securing a proper supply of water and food to animals during any detention thereof.

(xxvii.) For prescribing and regulating the marking of animals.

(xxviii.) For prohibiting, absolutely or conditionally, the use, for the carrying of animals or for any purpose connected therewith, of a vessel, vehicle, or pen or other place in respect whereof, or of the use whereof, a penalty has been recovered from any person for an offence against this Act.

(xxix.) For prescribing and regulating the payment and recovery of expenses in respect of animals.

(xxx.) For prescribing and regulating the form and mode of service or delivery of notices and other instruments.

(xxxi.) For authorising a local authority to make regulations for purposes of this Act or of an order of Council, subject to such conditions, if any, as the Privy Council, for the purpose of securing uniformity and the due execution of the provisions of this Act, think fit to prescribe.

(xxxii.) For applying all or any of the provisions of this Act to horses, asses, and mules, and to glanders and farcy, and other diseases thereof.

(xxxiii.) For extending, for all or any of the purposes of this Act, the definition of disease in this Act, so that the same shall for those purposes comprise any disease of animals in addition to the diseases mentioned in this Act.

(xxxiv.) Generally, for the better execution of this Act, or for the purpose of in any manner preventing the spreading of disease.

Provision of water and food at railway stations.

33.—(1.) Every railway company shall make a provision, to the satisfaction of the Privy Council, of water and food, or either of them, at such stations as the Privy Council from time to time, by general or specific description, direct, for animals carried, or about to be or having been carried, on the railway of the company.

(2.) The water and food so provided, or either of them, shall be supplied to any such animal by the company carrying it, on the request of the consignor or of any person in charge thereof.

(3.) As regards water, if, in the case of any animal, such a request is not made, so that the animal remains without a supply of water for twenty-four consecutive hours, the consignor and the person in charge of the animal shall each be guilty of an offence against this

Act; and it shall lie on the person charged to prove such a request and the time within which the animal had a supply of water.

(4.) But the Privy Council may from time to time, if they think fit, by order prescribe any other period, not less than twelve hours, instead of the period of twenty-four hours aforesaid, generally, or in respect of any particular kind of animals.

(5.) The company supplying water or food under this section may make in respect thereof such reasonable charges (if any) as the Privy Council by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals. The amount of those additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, with costs, by proceedings in any court of competent jurisdiction. The company shall have a lien for the amount thereof on the animal in respect whereof the same accrued due, and on any other animal at any time consigned by or to the same consignor or consignee to be carried by the company.

Dairies, Cow-Sheds, and Milk-Shops.

Power for Privy Council to make orders relative to dairies, cow-sheds, and milk-shops.

34. The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For the registration with the local authority of all persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk.

(ii.) For the inspection of cattle in dairies, and for prescribing and regulating the lighting, ventilation, cleansing, drainage, and water supply of dairies and cow-sheds in the occupation of persons following the trade of cowkeepers or dairymen.

(iii.) For securing the cleanliness of milk-stores, milk-shops, and of milk-vessels used for containing milk for sale by such persons.

(iv.) For prescribing precautions to be taken for protecting milk against infection or contamination.

(v.) For authorising a local authority to make regulations for the purposes aforesaid, or any of them, subject to such conditions, if any, as the Privy Council prescribe.

Foreign Animals.

Prohibition of importation; slaughter or quarantine.

35.—(1.) The Privy Council may from time to time make such general or special orders as they think fit for prohibiting the landing of animals, or of any specified kind thereof, or of carcases, fodder, litter, dung, or other thing, brought from any specified foreign country, or any specified part thereof.

(2.) Any such order may be made at any time after the passing of this Act, but shall not take effect before the first day of January one thousand eight hundred and seventy-nine; and until that day Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, and all other provisions relating to foreign animals of that Act and of any other Act repealed by this Act, shall, notwithstanding that repeal, or any other thing in this Act, be in force as if this Act had not been passed.

32 & 33 Vict. c. 70.

(3.) On and after the first day of January one thousand eight hundred and seventy-nine, the provisions set forth in the Fifth Schedule shall apply to foreign animals, the landing whereof is not for the time being prohibited by Order of Council made under this section.

Regulation of ports.

36.—(1.) The Privy Council may from time to time make such general or special orders as they think fit, subject and according to the provisions of this Act, for the following purposes, or any of them:

(i.) For prescribing the ports at which alone foreign animals may be landed.

(ii.) For defining the limits of ports for purposes of this Act.

(iii.) For defining parts of ports.

(iv.) For prohibiting or regulating the movement of animals into, in, or out of a defined part of a port.

(v.) For prescribing and regulating the inspection and examination, and the mode, time, and conditions of slaughter, of animals in a defined part of a port.

(vi.) For prescribing and regulating the disposal of animals, not being foreign animals and being in a defined part of a port.

(vii.) For regulating the removal of carcases, fodder, litter, utensils, dung, or other things into, in, or out of a defined part of a port, and the disposal thereof, when likely to introduce or spread disease.

(viii.) For prescribing and regulating the cleansing and disinfecting of a defined part of a port or of parts thereof.

(ix.) For prescribing and regulating the disinfecting or destruction of things being in a defined part of a port or removed thereout.

(x.) For regulating the movement of persons into, in, or out of a defined part of a port.

(xi.) For prescribing and regulating the disinfecting of the clothes of persons employed or being in a defined part of a port, and the use of precautions against the introduction or spreading by them of disease.

(xii.) For prescribing and regulating the seizure and detention of any foreign animal, carcase, fodder, litter, dung, or other thing whereby disease may be introduced or spread.

(xiii.) Generally, for the better execution of this Act in relation to foreign animals, carcases, fodder, litter, dung, or other things, or for the purpose of in any manner preventing the introduction or spreading thereby of disease.

(2.) Notwithstanding anything in this Act, a defined part of a port, or any part thereof, shall not be declared to be an infected place, or be made part of an infected place, otherwise than by the Privy Council.

(3.) Where the district or part of a district of a local authority described in the Second Schedule is or comprises, or is comprised in, a port or part of a port, the Privy Council may from time to time, if they think fit, in relation to that port or part of a port, by order, make any body, other than the body constituted the local authority by the Second Schedule, the local authority for the purposes of the provisions of this Act relating to foreign animals, and, in connexion with the local authority so made, prescribe the local rate, if any, and the clerk of the local authority.

Powers and Duties of Local Authorities.

Local authorities to be treated as incorporated.

37. A local authority, not being a body corporate, may sue and be sued, and take and hold land, and otherwise act and be dealt with, for all purposes of this Act, by the name or title of the local authority under this Act for their district, as if they were incorporated.

Committees of local authorities.

38. The provisions in the Sixth Schedule shall have effect with respect to committees of local authorities.

Provision of places for landing of foreign animals.

39.—(1.) A local authority may provide, erect, and fit up wharves, stations, lairs, sheds, and other places for the landing, reception, keeping, sale, slaughter, or disposal of foreign animals, carcases, fodder, litter, dung, and other things.

10 & 11 Vict. c. 14.

(2.) There shall be incorporated with this Act the Markets and Fairs Clauses Act, 1847, except sections six to nine and fifty-one to sixty thereof, all inclusive.

(3.) A wharf or other place provided by a local authority under this section shall be a market within that Act; and this Act shall be the special Act; and the prescribed limits shall be the limits of lands acquired or appropriated for purposes of this section; and byelaws shall be approved by the Privy Council, which approval shall be sufficient without any other approval or allowance, notice of application for approval being given, and proposed byelaws being published before application, as required by the Markets and Fairs Clauses Act, 1847.

10 & 11 Vict. c. 14.

(4.) A local authority may charge for the use of a wharf or other place provided by them under this section such sums as byelaws from time to time appoint, and the same shall be deemed tolls authorised by the special Act.

(5.) All sums so received by the local authority shall be carried to a separate account, and shall be applied in payment of interest on money borrowed by them for purposes of Part III., relating to foreign animals, of the Contagious Diseases (Animals) Act, 1869, or of this section, and in repayment of the principal thereof, and, subject thereto, towards discharge of their expenses under this Act.

32 & 33 Vict. c. 70.

(6.) The local authority shall make such periodical returns to the Privy Council of their expenditure and receipts in respect of the wharf or other place as the Privy Council from time to time require.

(7.) The Privy Council, if satisfied on inquiry that the tolls taken by the local authority for the wharf or other place may properly be reduced, regard being had to the expenditure and receipts of the local authority in respect thereof, and to any money secured on the tolls, and to the other circumstances of the case, may require the local authority to submit to the Privy Council, for their approval, a new schedule of tolls, and on failure of the local authority to do so, to the satisfaction of the Privy Council, may, by order, prescribe such tolls as they think fit, in lieu of those before approved by them.

(8.) The provisions of this section shall apply to a wharf or other place provided by a local authority under the Contagious Diseases (Animals) Act, 1869.

32 & 33 Vict. c. 70.

Power for local authority to acquire land.

40.—(1.) A local authority may purchase, or may by agreement take on lease or at a rent, land for wharves or other places, or for

use for burial of carcases in cases where there is not any ground suitable in that behalf in the possession or occupation of the owner of the animal, or any common or uninclosed land suitable, and approved by the Privy Council, in that behalf, or for any other purpose of this Act.

(2.) They may (subject to any agreement) dispose of lands so acquired, but not required for this Act, carrying the money produced thereby to the credit of the local rate.

38 & 39 Vict. c. 55.

(3.) The regulations contained in section one hundred and seventy-six of the Public Health Act, 1875, shall be observed with respect to the purchase of land by a local authority for purposes of this Act, as if the local authority were a local board, and purposes of this Act were purposes of that Act; save that the requisite advertisements and notices may be published and served in any two consecutive months, and that the local rate be substituted for the rates therein mentioned.

(4.) The powers conferred by this section may be exercised by a local authority with respect to land within or without their district.

Duties of local authorities, and enforcement thereof.

41.—(1.) Every local authority shall execute and enforce this Act and every Order of Council, as far as the same are to be executed or enforced by local authorities.

(2.) Where a local authority fail to execute or enforce any of the provisions of this Act, or of an Order of Council, the Privy Council may by order empower a person therein named to execute and enforce those provisions, or to procure the execution and enforcement thereof.

(3.) The expenses incurred thereby by or on behalf of the Privy Council, including compensation for animals slaughtered, shall be expenses of the local authority, and the amount thereof shall be paid to the Privy Council, on demand, by the treasurer or other proper officer of the local authority; and in default of payment the same shall be recoverable from the local authority, with costs, by a person appointed by the Privy Council to sue in that behalf.

(4.) For the purposes of this section an order of the Privy Council shall be conclusive in respect of any default, amount of expenses, or other matter therein stated or appearing.

(5.) The provisions of this section shall be without prejudice to the right or power of the Privy Council, or any other authority or any person, to take any other proceedings for requiring a local authority to execute or enforce any of the provisions of this Act, or of an Order of Council.

Inspectors and other officers of local authority.

42.—(1.) Every local authority shall from time to time appoint so many inspectors and other officers as they think necessary for the execution and enforcement of this Act, and shall assign to those inspectors and officers such duties, and salaries or allowances, and may delegate to any of them such authorities and discretion, as to the local authority seem fit, and may at any time revoke any appointment so made.

(2.) Every local authority shall keep appointed at all times at least one veterinary inspector, and shall appoint and at all times keep appointed so many other veterinary inspectors as the Privy Council, having regard to the extent and circumstances of the district of the local authority, from time to time direct.

(3.) The Privy Council, on being satisfied on inquiry that an inspector of a local authority is incompetent, or has been guilty of misconduct or neglect, may, if they think fit, direct his removal, and thereupon he shall cease to be an inspector.

Reports to Privy Council.

43. Every local authority and their inspectors and officers shall send and give to the Privy Council such notices, reports, returns, and information as the Privy Council from time to time require.

Orders and regulations of local authorities.

44.—(1.) An order or regulation of a local authority may be proved—

(i.) By the production of a newspaper purporting to contain the order or regulation as an advertisement; or

(ii.) By the production of a copy of the order or regulation purporting to be certified by the clerk of the local authority as a true copy.

(2.) An order or regulation so proved shall be taken to have been duly made, unless and until the contrary is proved.

(3.) An order or regulation of a local authority authorised by this Act or by Order of Council shall alone be deemed for purposes of this Act an order or regulation of a local authority.

Powers of local authorities to be for their district.

45. The provisions of this Act conferring powers on, or otherwise relating to, a local authority, or their inspectors or officers, shall, unless otherwise expressed, be read as having reference to the district of the local authority; and powers thereby conferred shall, unless it is otherwise expressed, be exercisable and shall operate within and in relation to that district only.

Expenses of Local Authorities.

Expenses out of local rate.

46. The expenses of a local authority shall be defrayed out of the local rate; and such sums as may be necessary to defray those expenses shall from time to time be levied with and as part of the local rate.

Relief of boroughs from contribution to county expenses.

47.—(1.) The local authority of a borough assessed to the county rate of a county shall be paid by the local authority of the county the proportionate amount paid by the several parishes and parts of parishes in the borough towards the expenses under this Act of the local authority of the county.

(2.) The local authority of a borough having a separate court of quarter sessions shall be exempt from contributing towards the expenses under this Act of the local authority of the county within which the borough is situate; and the treasurer of the county shall, out of the account required by the Municipal Corporation Act, 1835, to be kept by him of money expended out of the county rate for other purposes than those in that Act mentioned, exclude the expenses under this Act of the local authority of the county; and the amount to be paid to the treasurer of the county by the borough shall be varied accordingly.

5 & 6 W. 4. c. 76.

Outstanding rates.

48. The existence of an order or precept for the making or collection under any former Act of a rate remaining uncollected wholly or in part at the commencement of this Act shall not affect the validity of any rate thereafter made.

Borrowing by Local Authorities.

Power for local authority to borrow.

49.—(1.) Where the amount or proportion of the local rate levied or required for this Act exceeds or would exceed in any financial year

sixpence in the pound, a local authority may borrow at interest on the credit of the local rate any money necessary under this Act, and may secure the repayment thereof, with interest, by mortgaging the local rate for any term not exceeding seven years.

(2.) Where the amount or proportion aforesaid exceeds or would exceed in any financial year ninepence in the pound, the Local Government Board may, if they think fit, on application of the local authority, extend the term to any period not exceeding fourteen years.

38 & 39 Vict. c. 83.

(3.) A local authority, borrowing for the purposes of this section, shall borrow subject to the provisions of the Local Loans Act, 1875; and every loan raised under this section shall be discharged in manner prescribed by section thirteen of that Act, for which purpose a sinking fund is hereby prescribed, if in any case the Local Government Board so direct, but not otherwise.

38 & 39 Vict. c. 58.

(4.) The Public Works Loan Commissioners may, on the recommendation of the Local Government Board, advance money to a local authority in manner provided by the Public Works Loans Act, 1875, and any enactment amending or substituted for that Act, the same to be repaid, with interest, within the term aforesaid, and the local authority may so borrow accordingly.

(5.) A local authority, borrowing for purposes of the provisions of this Act relating to foreign animals, may, if they think fit, give as security, either with the local rate, if any, or separately therefrom, the charges which they are authorised to make for the use of a wharf or other place provided by them under this Act, and any estates, revenues, or funds belonging to them and not otherwise appropriated by law; and in that case the limitations in this section respecting the amount or proportion of rate and term of years shall not operate.

Police.

Duties and authorities of constables.

50.—(1.) The police of each police district or area, county, borough, town, and place shall execute and enforce this Act and every Order of Council.

(2.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him; and if his name and address are not known to the constable, and he fails to give them to the satisfaction of the constable, the constable may, without warrant, apprehend him; and the constable may, whether so stopping or detaining or apprehending the person or not, stop, detain, and examine an animal, vehicle, boat, or thing to which the offence or suspected offence relates, and require the same to be forthwith taken back to or into any place or district wherefrom or whereout it was unlawfully removed, and execute and enforce that requisition.

(3.) If any person obstructs or impedes a constable or other officer in the execution of this Act or of an Order of Council or of a regulation of a local authority, or assists in any such obstructing or impeding, the constable or officer may without warrant apprehend the offender.

(4.) A person apprehended under this section shall be taken with all practicable speed before a justice, and shall not be detained

without a warrant longer than is necessary for that purpose; and all enactments relating to the release of persons on recognizances taken by an officer of police or a constable shall apply in the case of a person apprehended under this section.

(5.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(6.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, boat, or thing under this section, and of his proceedings consequent thereon.

(7.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

General.

General powers of inspectors.

51.—(1.) An inspector shall have, for purposes of this Act, all powers which a constable has under this Act or otherwise in the place where the inspector is acting.

(2.) An inspector may at any time enter any land, or dairy or cow-shed to which this Act applies, or milk-stores or milk-shop, or other building or place wherein he has reasonable grounds for supposing—

(*a.*) That disease exists or has within fifty-six days existed; or

(*b.*) That the carcase of a diseased or suspected animal is or has been kept, or has been buried, destroyed, or otherwise disposed of; or

(*c.*) That there is to be found any pen, place, vehicle, or thing in respect whereof any person has on any occasion failed to comply with the provisions of this Act, or of an Order of Council, or of a regulation of a local authority; or

(*d.*) That this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(3.) An inspector may at any time enter any pen, vehicle, vessel, or boat in which or in respect whereof he has reasonable grounds for supposing that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with.

(4.) An inspector entering, as in this section authorised, shall, if required by the owner, or occupier, or person in charge of the land, building, place, pen, vehicle, vessel, or boat, state in writing his reasons for entering.

(5.) A certificate of a veterinary inspector to the effect that an animal is or was affected with a disease specified in the certificate shall for the purposes of this Act be conclusive evidence in all courts of justice of the matter certified.

(6.) An inspector of the Privy Council shall have all the powers of an inspector throughout England or that part thereof for which he is appointed.

Power for detention of vessels.

52.—(1.) Where an inspector of the Privy Council is satisfied that this Act or an Order of Council or a regulation of a local authority has not been or is not being complied with on board a vessel in a port, then, on the representation in writing to that effect of the inspector, stating particulars of non-compliance, the vessel may be detained until the Privy Council otherwise direct.

(2.) The officer detaining the vessel shall forthwith deliver to the master or person in charge of the vessel a copy of the representation.

39 & 40 Vict. c. 80.

(3.) Section thirty-four of the Merchant Shipping Act, 1876, shall apply in the case of such detention, as if it were effected under an Act in that section mentioned.

Expenses of burial of carcases washed ashore.

53. Where a carcase washed ashore is buried or destroyed under the direction of a receiver of wreck, with authority from the Board of Trade, the expenses thereof shall be expenses of the local authority, and shall be paid by them to the receiver on demand, and in default of payment shall be recoverable with costs from them by the receiver.

Power to exclude strangers by notice.

54. A person owning or having charge of animals in a place or area declared infected with any disease may affix, at or near the entrance to a building or inclosure in which the animals are, a notice forbidding persons to enter therein without the permission mentioned in the notice; and thereupon it shall not be lawful for any person, not having by law a right of entry or way into, on, or over that building or inclosure, to enter or go into, on, or over the same without that permission.

Provisions for protection of local authority and persons acting under Act.

55.—(1.) An action, prosecution, or proceeding against a local authority, or an inspector or officer of the Privy Council or of a local authority, or any person, for any act done in pursuance or execution or intended execution of this Act, or of an Order of Council, or regulation of a local authority, or in respect of any alleged neglect or default in the execution of this Act, or of such an order or regulation, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within four months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment; but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, a local authority, where the defendant in any such action, prosecution, or other proceeding is their officer, servant, or agent, may, if they think fit, except so far as the court before whom such action, prosecution, or other proceeding is heard and determined otherwise directs, pay as part of their expenses in the execution of this Act all or any part of any sums payable by such defendant in or in consequence of such action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

No stamp duty or fees.

56. No stamp duty shall be payable on, and no fee or other charge shall be demanded or made for, any appointment, certificate, declaration, licence, or thing under this Act, or an Order of Council, or a regulation of a local authority, or for any inspection or other act

precedent to the granting, making, or doing of a certificate, declaration, licence, or other thing

Evidence and form and service of instruments.

57.—(1.) In any proceeding under this Act, no proof shall be required of the appointment or handwriting of an inspector or other officer of the Privy Council, or of the clerk or an inspector or other officer of a local authority.

(2.) Every notice or other instrument under this Act or under an Order of Council or regulation of a local authority may be in writing or print, or partly in writing and partly in print.

(3.) Any such notice or other instrument may be served on the person to be affected thereby, either by the delivery thereof to him personally, or by the leaving thereof for him at his last known place of abode or business, or by the sending thereof through the post in a registered letter addressed to him there.

(4.) A notice or other instrument so sent by post shall be deemed to have been served at the time when the letter containing it would be delivered in the ordinary course.

(5.) In order to prove service by letter of a notice or other instrument, it shall be sufficient to prove that the letter was properly addressed, registered, and posted, and contained the notice or other instrument to be served.

(6.) A notice or other instrument to be served on the occupier of any building, land, or place may, except when sent by post, be addressed to him by the designation of the occupier of that building, land, or place, without naming or further describing him; and where it is to be served on the several occupiers of several buildings, lands, or places, may, except when sent by post, be addressed to them collectively by the designation of the occupiers of those several buildings, lands, or places, without further naming or describing them, but separate copies thereof being served on them severally.

Provisions respecting Orders of Council.

58.—(1.) The Privy Council may from time to time alter or revoke any Order of Council.

(2.) Every Order of Council shall have effect as if it had been enacted by this Act.

(3.) Every Order of Council shall be published in the London Gazette; save that where an order affects only a particular local authority, person, port, town, district, place, area, vessel, or thing, or is a licence or revocation of a licence, or in the nature thereof, or is an appointment or removal of an inspector or other officer, then the insertion in the London Gazette of a notice of the making of the order shall suffice; and a copy of the London Gazette containing such a notice shall be evidence of the order, as if the notice were the order.

(4.) Every Order of Council, licence, or other instrument issued by the Privy Council shall be published by and at the expense of every local authority to whom it is sent by the Privy Council for publication, in such manner as the Privy Council direct, and, subject to and in the absence of any direction, by advertisement in a newspaper circulating in the district of the local authority.

(5.) The validity or effect of an Order of Council, licence, or other instrument issued by the Privy Council shall not be affected by want of or defect or irregularity in any publication thereof.

(6.) Any act of the Privy Council under this Act, done other-

wise than by Order of Council, shall be sufficiently done and signified by an instrument signed by the Clerk of the Council; and every act done and signified by an instrument purporting to be so signed shall be deemed to have been duly done by the Privy Council; and every such instrument shall be received in evidence in all courts and proceedings without proof of the authority or signature of the Clerk of the Council or other proof.

Yearly return to be laid before Houses of Parliament.

59. A return shall be made and laid before both Houses of Parliament not later than the thirty-first day of March in each year, setting forth every Order of Council made since the date of the last return and every previous Order of Council required to be published in the London Gazette and in force; and stating the proceedings and expenditure under this Act of the Privy Council, and, as far as reasonably may be, of local authorities, in the year ending the thirty-first day of December then last; and showing the number of foreign animals landed and found diseased in that year, specifying separately the different kinds of disease, and the ports of exportation and landing, and the mode of disposal of the animals; and containing such other information respecting the operation of this Act as the Privy Council think fit.

Offences and Proceedings.

Fines for offences.

60. If any person is guilty of an offence against this Act, he shall for every such offence be liable—

(i.) To a penalty not exceeding twenty pounds; or

(ii.) If the offence is committed with respect to more than four animals, to a penalty not exceeding five pounds for each animal; or

(iii.) Where the offence is committed in relation to carcases, fodder, litter, dung, or other thing (exclusive of animals), to a penalty not exceeding ten pounds in respect of every half ton in weight thereof after one half ton, in addition to the first penalty of not exceeding twenty pounds.

General offences.

61.—(1.) If any person, without lawful authority or excuse, proof whereof shall lie on him, does any of the following things, he shall be guilty of an offence against this Act:

(i.) If he does anything in contravention of this Act, or of an Order of Council, or of a regulation of a local authority:

(ii.) If, where required by this Act to keep an animal separate as far as practicable, or to give notice of disease with all practicable speed, he fails to do so:

(iii.) If he fails to give, produce, observe, or do any notice, licence, rule, or thing which by this Act, or by an Order of Council, or by a regulation of a local authority, he is required to give, produce, observe, or do:

(iv.) If he does anything which by this Act or an Order of Council is made or declared to be not lawful:

(v.) If he does or omits anything, the doing or omission whereof is declared by this Act or by an Order of Council to be an offence by him against this Act:

(vi.) If he refuses to an inspector or other officer, acting in execution of this Act, or of an Order of Council, or of a regulation of a local authority, admission to any land, building, place, vessel, pen, vehicle, or boat which the inspector or officer is entitled to enter or

examine, or obstructs or impedes him in so entering or examining, or otherwise in any respect obstructs or impedes an inspector or constable or other officer in the execution of his duty, or assists in any such obstructing or impeding:

(vii.) If he throws or places, or causes or suffers to be thrown or placed, into or in any river, stream, canal, navigation, or other water, or into or in the sea within three miles of the shore, the carcase of an animal which has died of disease, or been slaughtered as diseased or suspected:

(2.) And on a further conviction within a period of twelve months for a second or subsequent offence against the same subsection of this section, he shall be liable, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding one month, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Imprisonment instead of fine for use of expired licences, digging up of carcases, and other specified offences.

62.—(1.) If any person does any of the following things, he shall be guilty of an offence against this Act:

(i.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he does anything for which a licence is requisite under this Act, or an Order of Council, or a regulation of a local authority, without having obtained a licence:

(ii.) If, where such a licence is requisite, having obtained a licence, he, with the like intent, does the thing licensed after the licence has expired:

(iii.) If he uses or offers or attempts to use as such a licence an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that incompleteness or untruth, and that he could not with reasonable diligence have obtained knowledge thereof:

(iv.) If, with intent to unlawfully evade this Act, or an Order of Council, or a regulation of a local authority, he alters, or falsely makes, or ante-dates, or counterfeits, or offers or utters, knowing the same to be altered, or falsely made, or ante-dated, or counterfeited, a licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued, under or for any purpose of this Act, or an Order of Council, or a regulation of a local authority:

(v.) If, for the purpose of obtaining such a licence, certificate, or instrument, he makes a declaration or statement false in any material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vi.) If he obtains or endeavours to obtain such a licence, certificate, or instrument by means of a false pretence, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof:

(vii.) If he grants or issues such a licence, certificate, or instrument, being false in any date or other material particular, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of that falsity, and that he could not with reasonable diligence have obtained knowledge thereof, or grants or issues such a licence, certificate, or instrument, having, and knowing that he has, no lawful authority to grant or issue the same:

(viii.) If, with intent to unlawfully evade or defeat this Act, or an Order of Council, or a regulation of a local authority, he grants or issues an instrument being in form a licence, certificate, or instrument made or issued under this Act, or an Order of Council, or a regulation of a local authority, for permitting or regulating the movement of a particular animal, or the doing of any other particular thing, but being issued in blank, that is to say, not being before the issue thereof so filled up as to specify any particular animal or thing:

(ix.) If he uses or offers or attempts to use for any purpose of this Act, or of an Order of Council, or of a regulation of a local authority, an instrument so issued in blank, unless he shows to the satisfaction of the court of summary jurisdiction before which he is charged that he did not know of it having been so issued in blank, and that he could not with reasonable diligence have obtained knowledge thereof:

(x.) If he by means of any fraud or false pretence obtains, or attempts to obtain, compensation from the Privy Council or a local authority in respect of an animal slaughtered, or aids or abets any person in any such fraud or false pretence:

(xi.) If, without lawful authority or excuse, proof whereof shall lie on him, he digs up, or causes to be dug up, a carcase buried under the direction of the Privy Council or of a local authority or of a receiver of wreck:

(xii.) If, where an Order of Council has prohibited, absolutely or conditionally, the use for the carrying of animals, or for any purpose connected therewith, of a vessel, vehicle, or pen, or other place, he, without lawful authority or excuse, proof whereof shall lie on him, does anything so prohibited.

(2.) And in every case in this section specified he shall be liable, on conviction, in the discretion of the court of summary jurisdiction before which he is convicted, to be imprisoned for any term not exceeding two months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Proceedings in court of summary jurisdiction.

63. Proceedings and penalties for offences against this Act may be taken and recovered and expenses and other money by this Act or an Order of Council made recoverable summarily may be recovered with costs, and summary orders under this Act or an Order of Council may be made with costs, by or before a court of summary jurisdiction, under and according to the Act of the session of the eleventh and twelfth years of Her Majesty's reign (chapter forty-three), "to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales with "respect to summary convictions and orders," and any Act amending the same; but nothing in this section shall apply to proceedings under the Customs Acts.

11 & 12 Vict. c. 43.

Appeal.

64.—(1.) If any person thinks himself aggrieved by the dismissal of a complaint by, or by any determination or adjudication of, a court of summary jurisdiction under this Act, he may appeal therefrom.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions for the county or place in which the cause of appeal arises, holden not less than twenty-one days after the decision appealed from.

(3.) The appellant shall, within ten days after the decision, give notice to the clerk of the court whose decision is appealed from of his intention to appeal, and of the grounds thereof, and to the other party.

(4.) The appellant shall within three days after such notice enter into a recognizance before a justice, with two sufficient sureties, conditioned personally to try the appeal.

(5.) The court may adjourn the appeal, and may make such order thereon as the court thinks fit.

(6.) Nothing in this section shall affect any enactment relative to appeals in cases of summary convictions or adjudications in the city of London or the metropolitan police district, or apply to proceedings under the Customs Acts.

Proceedings under Customs Acts for unlawful landing or shipping.

65.—(1.) If any person lands or ships or attempts to land or ship an animal or thing in contravention of this Act or of an Order of Council, he shall be liable, under and according to the Customs Acts, to the penalties imposed on persons importing or exporting or attempting to import or export goods the importation or exportation whereof is prohibited by or under the Customs Acts, without prejudice to any proceeding against him under this Act for an offence against this Act, but so that he be not punished twice for the same offence.

(2.) The animal or thing in respect whereof the offence is committed shall be forfeited, under and according to the Customs Acts, as goods the importation or exportation whereof is prohibited by or under the Customs Acts are liable to be forfeited.

General provision as to procedure.

66.—(1.) The description of an offence against this Act in the words of this Act, or of the Order of Council or regulation of a local authority under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, or in the Order of Council or regulation of a local authority under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information; and, if it is so specified or negatived, proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.

(4.) Where the owner or person in charge of an animal is charged with an offence against this Act relative to disease or to any illness of the animal, he shall be presumed to have known of the existence of the disease or illness, unless and until he shows to the satisfaction

of the court of summary jurisdiction before which he is charged that he had not knowledge thereof, and could not with reasonable diligence have obtained that knowledge.

(5.) Where a person is charged with an offence against this Act in not having duly cleansed or disinfected any place, vessel, vehicle, or thing belonging to him or under his charge, and a presumption against him on the part of the prosecution is raised, it shall lie on him to prove the due cleansing and disinfecting thereof.

(6.) A person charged with an offence against this Act may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

(7.) Every offence against this Act shall be deemed to have been committed, and every cause of complaint or matter for summary proceeding under this Act, or an Order of Council, or regulation of a local authority shall be deemed to have arisen, either in any place where the same actually was committed or arose, or in any place where the person charged or complained of or proceeded against happens to be at the time of the institution or commencement of the charge, complaint, or proceeding.

(8.) Notwithstanding anything in any Act relating to the metropolitan police or to municipal corporations or in any other Act, such part not exceeding one half of every penalty or forfeiture recovered under this Act (except in proceedings under the Customs Acts) as the court of summary jurisdiction before which it is recovered thinks fit, shall be paid to the person who proceeds for the same, and the residue thereof shall be applied as if this section had not been enacted.

PART III.—SCOTLAND.

Application of Parts II. and III. to Scotland.

67.—(1.) Part III. applies to Scotland only.

(2.) Part II. shall also, by virtue of this section, extend to Scotland, subject to Part III., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

Local Authorities.

Local authorities in schedule.

68. For the purposes of this Part the respective districts, authorities, rates, and officers described in the Seventh Schedule shall be the district, the local authority, the local rate, and the clerk of the local authority.

Appointment of local authority in counties.

69.—(1.) The commissioners of supply in every county shall meet and nominate not fewer than four or more than fifteen of their number to act on the county board for the purposes of this Act, and shall intimate to the lord lieutenant of the county and the convener of the county the number and names of the persons so appointed.

(2.) The clerk of supply in each county shall call a meeting of the occupiers of agricultural subjects in the county valued in the valuation roll in force for the time at one hundred pounds and upwards, and of occupiers of such subjects of which they are owners valued in the valuation roll at fifty pounds and under one hundred pounds. The meeting shall be called by advertisement in one or more news-

papers circulating in the county for the same day as, or for a day not later than eight days after, the meeting of the commissioners of supply. The advertisement shall specify the time and place of such meeting, and the clerk of supply shall be clerk to such meeting. The meeting shall nominate from among such occupiers, and owners and occupiers, a number of persons equal to those nominated by the commissioners of supply, and the meeting shall also name a convener, who shall intimate the names of the persons so nominated to the convener of the county, and shall have power to call similar meetings by such advertisement when occasion shall require. In the event of such election not being intimated to the convener of the county within fifteen days from the date of such meeting, it shall be lawful to the lord lieutenant to nominate from among such occupiers, or owners and occupiers, such number of persons, and intimate the same to the convener of the county.

(3.) Any such nomination and intimation made for the purposes of the Contagious Diseases (Animals) Act, 1869, shall continue to have effect for the purposes of this Act. (4.) A local authority may, if they think fit, determine that a certain number of their members, not exceeding one third thereof, shall retire periodically, at intervals of not less than three years, the members so retiring being re-eligible; and the local authority may lay down such rules as they think fit to regulate the time and manner of such retirement. 32 & 33 Vict. c. 70.

(5.) Vacancies from time to time happening by retirement, death, resignation, or otherwise among the members of the local authority shall be filled up by the authority and in the manner by and in which the members vacating office were respectively nominated.

(6.) The persons nominated as in this section provided, and the lord lieutenant of the county, the convener of the county, and the sheriff of the county (or in his absence such one of his substitutes as he directs by writing under his hand) for the time being shall constitute the local authority.

(7.) As far as not otherwise provided by this Act, such local authority shall have all the powers conferred on the local authority by this Act, and shall have power to elect a chairman, specify a quorum, and make all regulations necessary for carrying the purposes of this Act into effect.

(8.) The chairman of the local authority, and in default of him the convener of the county, and in default of him any three members of the local authority, may at any time call a meeting of the local authority, to be held at such time and place as he or they may fix, and the local authority may adjourn as they from time to time think fit.

Levy and recovery of assessments.

70.—(1.) The local authority in a county shall from time to time give notice to the commissioners of supply of the sums necessary to be provided under the provisions of this Act by means of the local rate; and the amount so intimated shall be assessed and collected by the commissioners of supply according to the real rent of lands and heritages as appearing on the valuation roll in force for the year, and shall be paid over to the local authority.

(2.) The local authority in a burgh shall in like manner assess and collect the amount required to be raised by local rate within such burgh.

(3.) All such assessments shall be payable one half by the proprietor and one half by the tenant, but may be collected wholly from the tenant, who shall in that case be entitled to deduct one half thereof from the rent payable by him to the proprietor, or wholly from the proprietor, who shall in that case be entitled to relief against the tenant for one half of the assessment.

(4.) All the provisions in regard to the recovery of assessments in the Act of the session of the twentieth and twenty-first years of Her Majesty (chapter seventy-two), "to render more effectual the "police in counties and burghs in Scotland," are hereby incorporated in this part as far as the same are not inconsistent with the provisions of this Part.

20 & 21 Vict. c. 72.

Land.

Purchase of land.

71. The provisions of Part II. relating to the purchase of land shall have effect as if section ninety of the Public Health (Scotland) Act, 1867, were thereby applied, instead of section one hundred and seventy-six of the Public Health Act, 1875; and in the said section ninety the local authority and local rate under this Part shall be substituted for the local authority and the assessment therein mentioned.

30 & 31 Vict. c. 101. 38 & 39 Vict. c. 55.

Borrowing.

Provisions as to borrowing by local authority.

72. The provisions of Part II. relating to borrowing by local authorities shall, as regards Scotland, be modified as follows:

(i.) Those provisions shall have reference to the amount only of the local rate, and not to the proportion thereof.

(ii.) One of Her Majesty's Principal Secretaries of State shall be substituted for the Local Government Board.

(iii.) Borrowing by a local authority shall not be subject to the provisions of the Local Loans Act, 1875; and in lieu thereof the provisions of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the Commissioners, shall, for the purposes of that borrowing, be incorporated with this Act, the local authority being deemed to be the Commissioners; and any mortgagee or assignee may enforce payment of his principal and interest by appointment of a judicial factor.

38 & 39 Vict. c. 83. 10 & 11 Vict. c. 16.

Inspectors.

Powers and qualifications of inspectors.

73.—(1.) An inspector of the Privy Council shall have all the powers of an inspector throughout Scotland or that part thereof for which he is appointed.

(2.) Any person may be appointed and be a Veterinary Inspector in Scotland who holds the Veterinary certificate of the Highland and Agricultural Society of Scotland.

Legal Proceedings.

Recovery and application of penalties, and other matters.

74.—(1.) Penalties for offences against this Act, other than penalties recoverable under the Customs Acts, and expenses by this Act or an Order of Council directed to be recovered summarily, and summary orders under this Act or an Order of Council, may, with expenses, be recovered before, and be made by, two justices under the Summary Procedure Act, 1864, and any Act amending the same.

27 & 28 Vict. c. 53.

(2.) The terms "justice" and "justices" include any magistrate having jurisdiction under the Summary Procedure Act, 1864.

(3.) In the event of any person refusing or delaying to comply with the order of a local authority, the local authority may give information thereof to the procurator fiscal of the county or burgh, who may apply to the sheriff for a warrant to carry such order into effect, and such warrant may be executed by the officers of court in common form. 27 & 28 Vict. c. 53.

(4.) All judicial powers given to justices and quarter sessions or to magistrates in boroughs by this Act may also be exercised by the sheriff or sheriff-substitute of the county.

(5.) An appeal against a conviction under this Act shall be to the Court of Justiciary at the next circuit court, or where there are no circuit courts, to the High Court of Justiciary at Edinburgh, and not otherwise; and such appeal may be made in the manner and under the rules, limitations, and conditions contained in the Act of the twentieth year of the reign of King George the Second, chapter forty-three, "for taking away and abolishing heritable jurisdictions "in Scotland," or as near thereto as circumstances admit; with this variation, that the appellant shall find caution to pay any additional expenses awarded by the court dismissing the appeal. 20 Geo. 2. c. 43.

(6.) Notwithstanding anything in this or any other Act, the part of every penalty or forfeiture recovered under this Act, except in proceedings under the Customs Acts, which is not in this Act directed to be paid to the person who sues or proceeds for the same, shall be paid as follows:

(*a.*) To the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, when the court is the sheriff court:

(*b.*) To the collector of county rates, in aid of the county general assessment, when the court is the justice of the peace court:

(*c.*) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:

(*d.*) To the treasurer of the board of police, or commissioners of police, in aid of the police funds, when the court is a police court.

(7.) "Plaintiff" means pursuer, and "defendant" means defender.

(8.) The provisions in Part II. relating to tender and payment into court do not apply to Scotland.

Part IV.—Ireland.

75.—(1.) Part IV. applies to Ireland. Application of Parts II. and IV. to Ireland.

(2.) Part II. shall also, by virtue of this section, extend to Ireland, subject to Part IV., which shall have effect in substitution for Part II., when so expressed or implied, and otherwise shall have effect in addition to Part II.

76. In Part IV.— Interpretation in Part IV.

(i.) "Lord Lieutenant" means the Lord Lieutenant or other chief governor or governors of Ireland for the time being:

(ii.) "Chief Secretary" means the Chief Secretary for the time being to the Lord Lieutenant; and any power under this Part vested in the Chief Secretary, except as a Privy Councillor, may in his absence be exercised by the Under Secretary for the time being to the Lord Lieutenant:

(iii.) "Net annual value of property" means the net annual value of property rateable to the relief of the poor according to the valuation in force for the time being:

(iv.) "Union funds" means any money in the hands of the treasurer of a poor law union to the credit of the guardians of the union, and if at any time the assets in the treasurer's hands are not sufficient for any purpose of this Part, then union funds shall be taken to include the moneys next received by the treasurer and placed to the credit of the guardians.

Lord Lieutenant and Privy Council.

Powers of Lord Lieutenant and Privy Council.

77.—(1.) The powers by Part II. conferred on the Privy Council shall be vested in the Lord Lieutenant acting by the advice of Her Majesty's Privy Council in Ireland, in this Act referred to as the Lord Lieutenant and Privy Council.

(2.) The powers exerciseable under Part II. by the Lord President of the Council, or one of Her Majesty's Principal Secretaries of State, may, in Ireland, be exercised by the Lord Lieutenant, or by the Chief Secretary as a Privy Councillor.

(3.) An order of the Lord Lieutenant and Privy Council under this Part is referred to therein as an Order in Council.

(4.) Subject to the provisions of this Part, the provisions of Part II. relating to the Privy Council, and to Orders of Council, shall apply to the Lord Lieutenant and Privy Council, and to Orders in Council.

Communication of Orders from and to Ireland.

78. In order to secure uniformity of action, every Order in Council and every Order of Council made under this Act shall, with all practicable speed, be communicated to the Privy Council, or to the Lord Lieutenant and Privy Council, as the case may be.

Local Authorities.

Constitution of local authorities; lands and borrowing.

79.—(1.) The local authorities shall be the boards of guardians of the several poor law unions.

38 & 39 Vict. c. 55. 41 & 42 Vict. c. 52.

(2.) The provisions of Part II. relating to the purchase of land by local authorities shall have effect as if instead of section one hundred and seventy-six of the Public Health Act, 1875, there were thereby applied section two hundred and three of the Public Health (Ireland) Act, 1878; and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may acquire land.

41 & 42 Vict. c. 52. 38 & 39 Vict. c. 83.

(3.) The provisions of Part II. relating to borrowing by local authorities shall have effect as if sections two hundred and thirty-seven to two hundred and forty-six, both inclusive, of the Public Health (Ireland) Act, 1878, were thereby applied instead of the Local Loans Act, 1875, and as if the local authority were a rural sanitary authority, and purposes of this Act were purposes for which a rural sanitary authority may borrow, and as if the Commissioners of Public Works in Ireland were substituted for the Public Works Loan Commissioners.

Provisions respecting officers of local authorities.

80. The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit,—

(i.) For defining the numbers, qualifications, and powers of inspectors and valuers, and other officers of local authorities, and the terms and conditions of their appointment, and regulating their duties:

(ii.) For fixing the periods for which they shall be appointed, and their remuneration and allowances.

Inspectors.

Qualifications and powers of inspectors.

81.—(1.) The provisions of Part II. requiring local authorities to keep appointed veterinary inspectors shall not extend to Ireland; and the powers and duties by Part II. conferred and imposed on a veterinary inspector shall in Ireland be vested in and discharged by an inspector; but where a person appointed to be an inspector in Ireland has the qualification of a veterinary inspector under this Act, he may be styled a veterinary inspector.

(2.) The Lord Lieutenant and Privy Council may from time to time make such Orders in Council as to them seem fit for uniting two or more poor law unions into a district for the purposes of inspection, and for authorising or directing the local authorities of those unions to appoint and keep appointed a veterinary inspector for the united district, and for regulating the mode of appointing such inspector, and the amount of his remuneration, and the mode in which the several unions shall contribute thereto; or the Lord Lieutenant may, if he thinks fit, appoint a veterinary inspector for the united district, on such terms and conditions with reference to contribution by the several unions towards the travelling expenses and allowances of the inspector as the Lord Lieutenant thinks fit.

(3.) An inspector appointed by the Lord Lieutenant shall have, throughout Ireland, or that part thereof for which he is appointed, all the powers by Part II. conferred on a Veterinary Inspector of the Privy Council.

Expenses of Local Authorities.

Expenses out of union funds.

82. The remuneration and allowances of an inspector or valuer of a local authority, and all money payable as compensation for animals slaughtered by direction of a local authority, shall when due be paid by the treasurer of the union out of union funds.

General Cattle Diseases Fund.

Constitution of fund.

83.—(1.) There shall be a General Cattle Diseases Fund for purposes of this Part.

(2.) Any money at the commencement of this Act standing at the Bank of Ireland to the credit of the Cattle Plague Account shall be transferred to the account of the General Cattle Diseases Fund; and that money shall in the first instance constitute that fund, as if it had been raised under this Act.

(3.) The Chief Secretary may from time to time, as and when he thinks fit, certify to the effect that a sum equivalent to a certain poundage on the net annual value of the property in all the unions is required for the purposes of this Act.

(4.) Thereupon the Local Government Board shall by order under their seal assess that sum on the several unions in proportion to the net annual value of the property therein.

(5.) They shall send copies of the order to the guardians and to the treasurer of each union.

(6.) Thereupon the treasurer of each union shall out of union funds pay over the amount assessed on the union to the Bank of Ireland, to be placed to the General Cattle Diseases Fund.

(7.) The guardians of each union shall debit the several electoral divisions with proportions of that sum, according to the net annual value of the property therein.

(8.) No larger sum shall be levied under this Act at any one time than shall be equivalent to a poundage of one halfpenny in the pound on the net annual value of the property in all the unions; nor shall any larger sum be levied under this Act in the whole than shall be equivalent, taken with any money before the commencement of this Act carried to the cattle plague account, to a poundage of fourpence in the pound on the net annual value of the property in all the unions.

(9.) On receipt of a certificate of the Chief Secretary to the effect that any part of the sum standing to the General Cattle Diseases Fund is not required for purposes of that fund, the Local Government Board shall by order under their seal assign the proportions returnable to the several unions, according to the net annual value of the property therein; and the Bank of Ireland shall, on a direction to that effect from the Chief Secretary, remit the sum so assigned to the treasurers of the unions; and the guardians of each union shall, on receipt of that sum, credit the several electoral divisions with proportions of that sum according to the net annual value of the property therein.

Application of fund.

84.—(1.) The treasurer of a union, on proof to the Chief Secretary of the payment by a local authority of any money for remuneration, expenses, allowances, or compensation, in accordance with this Part, shall be entitled to a certificate to that effect, and to an order by the Chief Secretary for payment from the General Cattle Diseases Fund of one half of the money so proved to have been paid, subject, in the case of compensation, to all proper deductions for money received by the local authority in respect of animals slaughtered; and the amount so ordered shall be paid to the treasurer accordingly for the union.

(2.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by the treasurer of a union was, within seven days immediately before its slaughter, brought into that union solely for the purpose of being shipped out of Ireland from a port in that union within those seven days, or of being sold at a fair to be held in that union within those seven days, and that neither the owner nor the person in charge thereof had been guilty, in relation to it, of any offence against this Act, then the Chief Secretary shall order payment to the treasurer in manner aforesaid of the whole of the money paid in compensation in respect of that animal.

(3.) If in any case it is proved to the Chief Secretary that an animal in respect whereof compensation was paid by a local authority ought not to have been slaughtered, the Chief Secretary may, notwithstanding anything in this section, withhold his order for payment out of the General Cattle Diseases Fund of any money in respect of that animal.

(4.) All expenses incurred by or on behalf of the Lord Lieutenant and Privy Council in the execution of this Part, and not otherwise provided for by this Act, shall be defrayed out of the General Cattle Diseases Fund.

General.

Application of provisions respecting police.

85. The provisions of Part II. relating to the police and to constables shall apply to the members of the Royal Irish Constabulary Force or of the Dublin Metropolitan Police Force.

Recovery of penalties and summary proceedings.

86.—(1.) Proceedings for recovery of penalties for offences against this Act (other than penalties recoverable under the Customs Acts), and proceedings for recovery of expenses by this Act or an Order in Council directed to be recoverable summarily, and proceedings for obtaining summary orders under this Act or an Order in Council, may be taken in a summary manner, according to the provisions of the Summary Jurisdiction Acts, that is, as regards the police district of Dublin Metropolis, the Acts regulating the powers and duties of justices for that district, and as regards other parts of Ireland the Petty Sessions (Ireland) Act, 1851, and any Act affecting or amending the same. 14 & 15 Vict. c. 93.

(2.) The provisions of those Summary Jurisdiction Acts relative to appeals against orders and convictions shall apply to orders and convictions under this Act.

(3.) For the purposes of this Act a court of summary jurisdiction may consist of one or more justices.

(4.) Penalties so recovered shall be applied as follows; that is to say, a part thereof not exceeding one third may be awarded to the informer, and the rest shall be awarded to the Crown, to be applied in aid of the General Cattle Diseases Fund.

Publication and proof of Orders in Council.

87.—(1.) The Dublin Gazette shall be substituted for the London Gazette.

(2.) A copy of the Dublin Gazette purporting to be printed by the Queen's authority shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of any order appearing therein and purporting to be an Order in Council.

(3.) An Order in Council may also be proved by the production of an instrument purporting to be certified to be a true copy thereof by the Clerk of Her Majesty's Privy Council in Ireland, or the person for the time being acting as such; and that instrument shall be conclusive evidence in all courts and legal proceedings of the date, contents, due making, and publication of the order.

Provision for expenses of Veterinary Department.

88. The Lord Lieutenant, with the approval of the Treasury, may fix the salaries and allowances of the officers and persons acting in execution of this Act in or under the Veterinary Department of Her Majesty's Privy Council Office; and the same, and all charges and expenses incurred in the maintenance and management of that department, shall be paid out of money provided by Parliament.

SCHEDULES.

THE FIRST SCHEDULE.

(Section 4.) ENACTMENTS REPEALED.

	I.—ENGLAND AND SCOTLAND.
32 & 33 Vict. c. 70. [9 August 1869] in part.	The Contagious Diseases (Animals) Act, 1869: Except— (i.) Paragraphs 2, 3, and 4 of section 28 (local), relating to the markets of the mayor, aldermen, and commons of the City of London, with the Fifth Schedule, referred to in that section. (ii.) Sections 100 and 101 (transitory), relating to money borrowed by local authorities before the passing of that Act.
	II.—SCOTLAND.
38 & 39 Vict. c. 75. [11 August 1875.]	An Act to amend the Contagious Diseases (Animals) Act, 1869.
	III.—IRELAND.
11 & 12 Vict. c. 105. [4 September 1848.]	An Act to prohibit the importation of sheep, cattle, or other animals, for the purpose of preventing the introduction of contagious or infectious disorders.
11 & 12 Vict. c. 107. [4 September 1848.]	An Act to prevent, until the first day of September, one thousand eight hundred and fifty, and to the end of the then session of Parliament, the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
16 & 17 Vict. c. 62. [4 August 1853.]	An Act to extend and continue an Act of the twelfth year of Her present Majesty, to prevent the spreading of contagious or infectious disorders among sheep, cattle, and other animals.
29 & 30 Vict. c. 4. [6 March 1866.]	The Cattle Disease Act (Ireland), 1866.
33 & 34 Vict. c. 36. [1 August 1870.]	The Cattle Disease (Ireland) Amendment Act, 1870.
35 & 36 Vict. c. 16. [27 June 1872.]	The Cattle Disease (Ireland) Amendment Act, 1872.
37 & 38 Vict. c. 6. [21 May 1874.]	The Cattle Disease (Ireland) Acts Amendment Act, 1874.
39 & 40 Vict. c. 51. [11 August 1876.]	The Cattle Disease (Ireland) Act, 1876.

THE SECOND SCHEDULE.

(Sections 7 and 9. LOCAL AUTHORITIES IN ENGLAND.

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, except within the metropolis.	The justices in general or quarter sessions assembled.	The county rate, or rate in the nature of a county rate.	The clerk of the peace.
II.—The City of London and the liberties thereof.	The Corporation of London.	The consolidated rate	The town clerk.
III.—The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works.	The metropolitan consolidated rate.	The clerk of the Metropolitan Board of Works.
IV.—Boroughs subject to the Municipal Corporation Act, 1835.	The mayor, aldermen, and burgesses acting by the Council.	The borough rate, with the borough fund.	The town clerk.
V.—Other boroughs -	The commissioners or other body maintaining the police therein.	The rate applicable by the commissioners or other body to the maintenance of the police.	The clerk of the commissioners or other body.
VI.—The district of the local board of Oxford.	The local board -	The rate leviable by the local board.	The clerk of the local board.

THE THIRD SCHEDULE.

Pleuro-Pneumonia. (Section 19.)

1. Cattle are not to be moved into or out of a place infected with pleuro-pneumonia, except where, as regards movement into such a place, the cattle are affected with pleuro-pneumonia, and except in such other cases as the Privy Council think fit from time to time by general Order to except.

2. In the cases so excepted by Order cattle may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Cattle may be moved into, in, or out of such parts of an area infected with pleuro-pneumonia as are not comprised in a place infected with pleuro-pneumonia, by licence of the local authority, granted on conditions prescribed by general Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of cattle in a place infected with pleuro-pneumonia.

THE FOURTH SCHEDULE.

Foot-and-Mouth Disease. (Section 25.)

1. Animals are not to be moved into or out of a place infected with foot-and-mouth disease, except where, as regards movement into such a place, the animals are affected with foot-and-mouth disease, and except in such other cases as the Privy Council think fit from time to time by general Order to except.

2. In the cases so excepted by Order animals may be moved into or out of an infected place on conditions prescribed by general or special Order of Council, and not otherwise.

3. Animals may be moved into, in, or out of such parts of an area infected with foot-and-mouth disease as are not comprised in a place infected with foot-and-mouth disease, by licence of the local authority, granted on conditions prescribed by Order of Council, and not otherwise.

4. Nothing in this Schedule restricts movement of animals in a place infected with foot-and-mouth disease.

THE FIFTH SCHEDULE.

Foreign Animals. (Section 35.)

I.—*Slaughter at Port of Landing.*

1. Foreign animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals wharf.

2. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct.

3. They are not to be moved alive out of the wharf.

II.—*Quarantine.*

4. The foregoing provisions of this Schedule (under the head of Slaughter at Port of Landing) do not apply to animals intended for exhibition or for other exceptional purposes; and in lieu thereof the subsequent provisions of this Schedule (under the head of Quarantine) apply to those animals.

5. Those animals are to be landed only at a part of a port defined for that purpose by special Order of Council, to be called a foreign animals quarantine station.

6. They are to be landed in such manner, at such times, and subject to such supervision and control as the Commissioners of Customs from time to time direct, and subject to such conditions in respect of the animals, or of the vessel from which they are landed, as the Privy Council from time to time by general Order prescribe.

7. When landed they are to be placed in sheds or other receptacles in the quarantine station, prepared by the local authority or the owners of the quarantine station, or the consignees of animals or other persons, and approved by the Privy Council.

8. Any such animal is not to be moved out of the quarantine station except on conditions prescribed by general or special Order of Council.

9. Notwithstanding anything in the foregoing provisions of this Schedule (under the head of Quarantine), the provisions of this Act relating to slaughter in case of the existence of disease, and to compensation or other payment in respect of animals so slaughtered, and to the ownership of carcases of such animals, shall apply to animals in a foreign animals quarantine station.

III.—*Channel Islands and Isle of Man.*

10. In relation to animals brought from the Channel Islands or the Isle of Man, the Privy Council may from time to time, if they think fit, by general or special Order or by licence, alter or add to the provisions of this Schedule relating to slaughter or to quarantine, as the case may require.

IV.—*Other Foreign Countries.*

11. In relation to foreign animals other than those brought from the Channel Islands and the Isle of Man, if and as long as, from time to time, the Privy Council are satisfied, with respect to any foreign country, that the laws thereof relating to the importation and exportation of animals, and to the prevention of the introduction or spreading of disease, and the general sanitary condition of animals therein, are such as to afford reasonable security against the importation therefrom of diseased animals, then, from time to time, the Privy Council, by general or special Order, shall allow animals, or any specified kind of animals, brought from that country, to be landed, without being subject, under the provisions of this Schedule, to slaughter or to quarantine, and may for that purpose alter or add to those provisions, as the case may require; but every such Order shall forthwith, after the making thereof, if Parliament is then sitting, and if not, then forthwith after the next meeting of Parliament, be laid before both Houses of Parliament.

THE SIXTH SCHEDULE.

(Section 38.) COMMITTEES OF LOCAL AUTHORITIES.

1. Each local authority shall form and keep up a committee or committees, and may appoint the number of members by whom the powers of a committee may be exercised, and may at any time add to or diminish the number of the members of a committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another committee or committees, and lay down rules for the guidance of a committee, who shall act accordingly.

2. Each committee may consist wholly of members of the local authority, or partly thereof, and partly of other persons, being rated occupiers in the district of the local authority, and otherwise qualified as the local authority think fit.

3. A local authority may delegate all or any of their powers, except the power to make a rate, to a committee, with or without conditions or restrictions.

4. A local authority may revoke or alter any power given by them to a committee.

5. A local authority may, if they think fit, appoint and designate one committee as their executive committee.

6. An executive committee shall have all the powers of the local authority, except the power to make a rate, and may, if they think fit, appoint a sub-committee or sub-committees, and delegate to them all or any of the powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and appoint the number of members by whom the powers of a sub-committee may be exercised, and add to or diminish the number of the members of a sub-committee, or otherwise alter the constitution thereof, and fill up or provide for the filling up of vacancies therein, or revoke the appointment thereof and appoint another sub-committee or other sub-committees, and lay down rules for the guidance of a sub-committee, who shall act accordingly.

7. Proceedings of a committee or sub-committee shall not be invalidated by any vacancy in the committee or sub-committee, or, in the case of a committee appointed by the local authority for a county, by the termination of the session at which they were appointed.

8. In case of the formation of two or more committees, they shall act according to rules laid down for their guidance by the local authority.

9. A committee, and a sub-committee of an executive committee, may elect a chairman of their meetings.

10. If no chairman is elected, or if the chairman so elected is not present at the time appointed for a meeting, the members then present shall choose a chairman for that meeting.

11. A committee or sub-committee may meet and adjourn as they think proper.

12. Every question at a meeting of a committee or sub-committee shall be determined by a majority of the votes of the members, including the chairman, present and voting on the question; and in case of equal division, the chairman shall have a second vote.

THE SEVENTH SCHEDULE.

LOCAL AUTHORITIES IN SCOTLAND. (Section 68.)

District.	Local Authority.	Local Rate.	Clerk of Local Authority.
I.—Counties, including any town or place which does not return, or contribute to return, a member to Parliament.	The persons appointed as provided in Part III.	Rate appointed to be levied in Part III.	The clerk of supply.
II.—Burghs which return, or contribute to return, a member to Parliament.	The magistrates and town council.		The town clerk.

1. In and for purposes of this Schedule and Part III. "county" does not include county of a city.

2. For purposes of Part III. the burgh of Maxwelltown is part, not of the parliamentary burgh of Dumfries, but of the stewartry of Kirkcudbright.

CHAPTER 75.

An Act to amend the Law in respect to the Polling District of Arranmore (Ireland). [16th August 1878.]

WHEREAS by section eight of an Act passed in the twenty-fifth and twenty-sixth years of the reign of Her Majesty, chapter sixty-two, intituled "An Act to amend the law relating to "the duration of contested elections for counties in Ireland, and "for establishing additional places for taking the poll thereat," power was given to the Lord Lieutenant of Ireland, by and with the advice of the Privy Council in Ireland, on petition from the justices of any county in Ireland in quarter sessions assembled praying that any polling district in such county might be altered, and that any barony or half barony, or any portion thereof respectively, might be annexed to any other polling district, to declare that any such polling district should be so altered, and that any barony or half barony, or any portion thereof respectively, should be annexed to any other polling district:

And whereas by the Ballot Act, 1872, the above-mentioned enactment was repealed, and there is no power under the existing law to declare that any polling district in Ireland, or any portion thereof, shall be annexed to any other polling district: 35 & 36 Vict. c. 33.

And whereas it is expedient that the polling district of Arranmore, in the parish of Templecrone, barony of Boylagh, and county of Donegal, Ireland, should be annexed to the adjacent polling district of Dungloe in the same parish, barony, and county:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Arranmore Polling District Act, 1878.

Polling district of Arranmore to be annexed to Dungloe.

2. The polling district of Arranmore, in the parish of Templecrone, barony of Boylagh, and county of Donegal, Ireland, shall, from and after the passing of this Act, be annexed to and form part of the polling district of Dungloe in the same parish, barony, and county.

CHAPTER 76.

An Act to make further provision respecting the Post Office Telegraphs. [16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Telegraph Act, 1878.

Definitions.

2. In the construction of this Act, unless there is something inconsistent in the context, words and expressions shall have the same meanings as in the Telegraph Act, 1863, and in addition thereto—

The expressions "street" and "public road" shall respectively include any highway:

The expression "Act of Parliament" means any Act of Parliament whether public general, local and personal, or private, and includes the order confirmed by any such Act, and includes a certificate granted by the Board of Trade under the Railways Construction Facilities Act, 1864:

26 & 27 Vict. c. 112. 29 & 30 Vict. c. 3. 31 & 32 Vict. c. 110. 32 & 33 Vict. c. 73. 33 & 34 Vict. c. 88.

The expression "Telegraph Acts" includes the Telegraph Act, 1863, the Telegraph Act Amendment Act, 1866, the Telegraph Act, 1868, the Telegraph Act, 1869, the Telegraph Act, 1870, this Act and any Acts or parts of Acts incorporated with such Acts or referred to therein, any or either of them, and such several Acts may be cited together as the Telegraph Acts, 1863 to 1878:

The expression "undertaking" means the works or undertaking of whatever nature the execution of which is authorised by an Act of Parliament as above defined:

The expression "undertakers" means the parties, whether company, commissioners, trustees, corporations, or private persons, empowered by an Act of Parliament as above defined to execute an undertaking, and any lessee or tenant thereof:

The expression "agents" includes contractors, and also the officers, engineers, workmen, or servants, as well of the Postmaster General, undertakers, bodies, or persons, as of his or their contractors:

The expression "telegraphic line" means telegraphs, posts, and any work (within the meaning of the Telegraph Act, 1863) and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication

and includes any portion of a telegraphic line as defined by this Act:

The expressions "alteration," "alter," and "altering" in respect of a telegraphic line, include the substitution of any new line or portion of a line, either in the same place or in some other place, also any removal of or other dealing with any telegraphic line or any part of such line.

Amendment of 26 & 27 Vict. c. 112. as to consents.

3. Where any body or person (within the meaning of the Telegraph Act, 1863,) having power under the said Act to give or withhold their consent to the Postmaster General placing telegraphs and posts (within the meaning of the said Act) in, under, upon, along, over, or across a street or public road, or any estuary or branch of the sea, or the shore or bed of any tidal water, or where any proprietors, lessees, directors, or persons having the control of any railway or canal (within the meaning of the said Act), and having power under the said Act to give or withhold a consent to the Postmaster General placing telegraphs and posts under, in, upon, along, or across such railway or canal, fail within twenty-one days after being required to do so by the Postmaster General to give their consent, or attach to their consent any terms, conditions, or stipulations to which the Postmaster General objects, or withdraw a consent, a difference shall be deemed to have arisen between the Postmaster General and such body or person, proprietors, lessees, directors, or persons (as the case may be,) and that difference shall be determined in manner herein-after provided, and the authority by whom the difference is to be determined may, if after hearing all parties concerned they think it just, give their consent either unconditionally or subject to such pecuniary or other terms, conditions, and stipulations as they may think just; and that consent shall for all purposes be of the same effect as if it were a consent given under the Telegraph Act, 1863, to the Postmaster General by such body or person, proprietors, lessees, directors, or persons.

Differences relating to a street or public road to be determined by stipendiary magistrate, county court judge, or sheriff.

4. Where any difference arises under this Act or the Telegraph Act, 1863, between the Postmaster General and any body or person having any power, jurisdiction, or control over or relating to a street or public road, or having power under the last-mentioned Act to give or withhold a consent to the placing of telegraphs and posts in, under, upon, along, or across a street or public road, such difference shall in England or Wales and Ireland be referred to the police or stipendiary magistrate having jurisdiction within the district in which the difference has arisen, or if there be no such magistrate, then to the judge of the county court having jurisdiction within such district, and in Scotland to the sheriff, and such magistrate, judge, and sheriff are respectively empowered and required to hear and determine such difference, and sections thirty to thirty-three, both inclusive, of the Regulation of Railways Act, 1868, shall apply to every difference so referred to such magistrate, judge, or sheriff (as the case may be) in like manner as if he were an arbitrator appointed pursuant to those sections, and as if the Postmaster General, body, or person between whom the difference has arisen were companies within the meaning of those sections.

31 & 32 Vict. c. 119.

Provided always, that in case either the Postmaster General or the body or person between whom the difference has arisen shall

be dissatisfied with the award or decision of such magistrate, judge, or sheriff, the party so dissatisfied may within twenty-one days after such award or decision require, by a notice in writing given to the other party, that the difference shall be referred to the Railway Commissioners.

General provisions as to arbitration.

5. The differences so required to be referred by the last preceding section to the Railway Commissioners and all other differences under this Act, except a difference between the Postmaster General and any body or person having any right, power, jurisdiction, or control in, over, or relating to any estuary or branch of the sea or the shore or bed of any tidal water, shall be referred to and shall be determined by the Railway Commissioners for the time being; and every difference referred to them under this Act shall be conducted by the Railway Commissioners in the same manner as any other proceeding is conducted by them under the Acts relating to those Commissioners; and it shall be the duty of the Railway Commissioners, and they are hereby empowered, to undertake and determine any difference referred to them under this Act; and any difference between the Postmaster General and any body or person having any right of property or other right, or any power, jurisdiction, or authority in, over, or relating to any estuary, branch of the sea, or the shore or bed of any tidal water shall be referred to and determined by the Board of Trade.

In the event of the Railway Commissioners ceasing to hold office, all differences directed under this Act to be determined by them shall be determined by the Board of Trade, and sections thirty to thirty-three, both inclusive, of the Regulation of Railways Act, 1868, shall apply to every difference to be determined under this Act by the Board of Trade, in like manner as if the Postmaster General, undertakers, body, or person between whom that difference has arisen were companies within the meaning of those sections.

31 & 32 Vict. c. 119.

Power of Postmaster General to establish telegraphic lines on certain undertakings authorised by special Act of Parliament.

6. Where an Act of Parliament passed after the first day of January one thousand eight hundred and seventy-eight authorises the construction of any of the following undertakings, namely, any railway, canal, tramway other than street tramways, highway, bridge, railway or river embankment, subway, aqueduct over or across a river, dock, harbour, or pier, it shall be lawful for the Postmaster General, by himself or his agents, to place and maintain telegraphic lines in, under, upon, along, over, or across such undertaking, and from time to time to alter the same, and he may from time to time, by himself or his agents, enter upon any land or works of the undertakers for the purpose of placing, maintaining, or altering any telegraphic line in pursuance of this section, or of examining or repairing any line so placed, and may there remain for such reasonable time, and execute and do all such works and things, as may be necessary or convenient for the purposes aforesaid, but shall not interfere with the traffic along or user of the undertaking, subject to the following conditions:

(1.) In placing, maintaining, or altering such telegraphic lines no obstruction shall be caused to the traffic along or the user of such undertaking:

(2.) The Postmaster General shall, not less than one month before he places any telegraphic line, give to the under-

takers a notice specifying the course and position of the proposed telegraphic lines, and if within one month after such notice the undertakers object to the course or position specified in the notice, and do not agree with the Postmaster General on some other course or position, a difference shall be deemed to have arisen between the Postmaster General and the undertakers:

(3.) If any damage or injury be caused or any stoppage or delay be occasioned to the works of the undertaking by the placing, repair, or maintenance of such telegraphic lines, the Postmaster General shall at his own expense make good such damage or injury, and shall indemnify the undertakers against any expense to which they may be put by reason of any such damage, injury, stoppage, or delay:

(4.) If the undertakers shall incur any additional expense by or in consequence of the repair or maintenance of such telegraphic lines, the Postmaster General shall from time to time pay to the undertakers the amount of such additional expense.

This section shall apply to the several railways over which powers were conferred upon the Postmaster General by the Local Acts mentioned in the schedule to this Act, and to the undertakers empowered by such Local Acts respectively.

Provided that so far as relates to any railways belonging to or leased or worked by any of the railway companies mentioned in section nine, or in the schedule of the Telegraph Act, 1868, the powers of constructing, altering, or maintaining telegraphic lines by the Postmaster General shall not be exercised if and so long as the said companies respectively are able and willing themselves to construct, alter, and maintain such telegraphic lines, and such construction, maintenance, and repair shall be upon the terms and conditions in the said Act or the agreements thereunder declared: Provided also, that this section shall not affect any agreement between any undertakers and the Postmaster General.

If any difference arises between the Postmaster General and any undertakers in relation to the exercise of any power under this section, that difference shall be determined in manner provided by this Act.

Provision as to work done in pursuance of special Acts of Parliament which involves alteration in telegraphic line.

7. Where any work proposed to be done in the execution of an undertaking authorised by an Act of Parliament involves or is likely to involve an alteration either temporarily or permanently in any telegraphic line of the Postmaster General, and provision is not otherwise made by enactment, agreement, or otherwise with respect to such alteration or to giving notice to the Postmaster General thereof or to the expenses of or incidental thereto, the following enactments shall apply:

(1.) The undertakers or their agents shall give to the Postmaster General not less than seven nor more than fourteen days previous notice of the time and place at which the work will be begun and the nature of the alteration required:

(2.) Before the expiration of seven days after the notice is given the Postmaster General may give the undertakers or their agents a counter-notice either stating his intention

himself to make, or requiring the undertakers to make under the supervision and to the satisfaction of himself or his agents, such alteration in the telegraphic line as he deems necessary or expedient to be made in consequence of the proposed work:

(3.) If the Postmaster General by his counter-notice states that it is his intention himself to make such alteration, it shall be lawful for such Postmaster General by himself or his agents to make the same, and the undertakers or their agents shall pay to the Postmaster General all the expenses incurred by him of and incidental thereto, and the amount of any loss or damage sustained by him in consequence thereof:

(4.) If the Postmaster General by his counter-notice requires the undertakers or their agents to make such alteration, the undertakers or their agents shall, at their own expense, make the same under the supervision and to the reasonable satisfaction of the Postmaster General or his agents, and the said undertakers shall pay to the Postmaster General all the expenses incurred by him of and incidental to such supervision, also the amount of any loss or damage sustained by him in consequence of the alteration:

(5.) If the Postmaster General fails to give a counter-notice, or if having undertaken himself to make the alteration he or his agents should fail to make within a reasonable time the alteration, the undertakers or their agents may themselves make the alteration to the reasonable satisfaction of the Postmaster General or his agents:

(6.) If any undertakers or their agents fail to serve on the Postmaster General such notice as is required by this section with respect to any work, or begin to do the work specified in a notice served under this section before the expiration of seven days after the notice is given, they shall be liable to pay a fine not exceeding ten pounds for every day during which they continue such work without the sanction in writing of the Postmaster General, and the Postmaster General may at the expense of the undertakers remove such work:

(7.) If any undertakers or their agents fail to comply with the reasonable requirements of the Postmaster General or his agents under this section, they shall be liable to a fine not exceeding ten pounds for every day during which such failure continues, or if the telegraphic communication is interrupted, not exceeding fifty pounds for every day on which such interruption continues:

(8.) Provided that nothing in this section shall subject any undertakers or their agents to a fine for omitting to comply with any requirements of the Postmaster General or his agents, or for executing without previous notice any work if they satisfy the court having cognizance of the case that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that

they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice:

And where under section eight of the Telegraph Act, 1863, any body to or by whom any such pipe as in that section mentioned belongs or is used require that the position of any telegraphic line of the Postmaster General or any part thereof should be altered, the enactments of the present section shall apply, and for such purposes any such body shall be deemed to be "undertakers."

Compensation and fine for injury to telegraphic line of the Postmaster General and for interruption to telegraphic communication.

8. Where any undertakers, body, or person, by themselves or by their agents, destroy or injure any telegraphic line of the Postmaster General, such undertakers, body, or person shall not only be liable to pay to the Postmaster General such expenses (if any) as he may incur in making good the said destruction or injury, but also, if the telegraphic communication is carelessly or wilfully interrupted, shall be liable to a fine not exceeding twenty pounds per day for every day during which such interruption continues.

Where the undertakers, body, or person liable to pay such daily fine as aforesaid to the Postmaster General are not authorised to execute such works as may be required for remedying the interruption, the interruption shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognizance of the case would have been sufficient for remedying the interruption by the Postmaster General.

The Postmaster General may, instead of taking proceedings for the recovery of such daily fine as aforesaid, proceed for the recovery of a fine not exceeding fifty pounds, to which the undertakers, body, or person shall be liable on summary conviction.

An act done to a telegraphic line in the course of work undertaken by any undertakers, body, or person in the legal exercise of a right shall not be deemed to be wilful destruction of or injury to such telegraphic line, if due notice of the intended exercise of such right has been given to the Postmaster General, that is to say, the notice required to be given in pursuance of any Act of Parliament or agreement, or where there is no Act of Parliament or agreement requiring such notice, fourteen clear days notice.

This section shall be deemed to be in addition to and not in derogation of any other power or means which the Postmaster General may have of recovering damages in respect of any such destruction or injury as in this section mentioned under any other Act of Parliament or at common law or otherwise, provided that he shall not proceed under this Act and under any other Act or law in respect of the same destruction or injury.

Penalty for obstruction.

9. Where any undertakers, body, or person or their agents obstruct the Postmaster General or his agents in placing, maintaining, altering, examining, or repairing any telegraphic line in pursuance of this Act, or of any consent given in pursuance of this Act, or in supervising or directing any alteration in any telegraphic line made by any undertakers or their agents in pursuance of this Act, such undertakers, bodies, or persons and agents respectively shall for

every act of obstruction be liable to a fine not exceeding ten pounds, or in case such obstruction continues, ten pounds for every day during which the same continues.

Prosecution of offences.

10. All fines and penalties under any of the Telegraph Acts may be recovered by the Postmaster General in manner provided by the Summary Jurisdiction Acts before a court of summary jurisdiction, and for the purposes of this Act—

(1.) The expression "Summary Jurisdiction Acts" means—

as respects England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance "of the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions "and orders," and any Act passed or to be passed amending the same; and

27 & 28 Vict. c. 53.

as respects Scotland, the Summary Procedure Act, 1864, and any Act passed or to be passed amending the same; and

as respects Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act passed or to be passed amending the said Acts, or any of them; and

14 & 15 Vict. c. 93.

(2.) The expression "court of summary jurisdiction" means—

as respects England, any justice of the peace or other magistrate or officer to whom jurisdiction is given by the Summary Jurisdiction Acts, so, however, that any case arising under any of the Telegraph Acts shall be heard and determined either by two or more justices of the peace in petty sessions sitting at a court or other place appointed for holding petty sessions, or by some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

as respects Scotland, means any sheriff or sheriff substitute; and

as respects Ireland, means any justice or justices or other magistrate, by whatever name called, having jurisdiction under the Summary Jurisdiction Acts.

All fines and penalties recovered in pursuance of any of the Telegraph Acts shall be paid into the Exchequer.

Provision as to Postmaster General.

11. In the Telegraph Acts the expression "Postmaster General" means Her Majesty's Postmaster General for the time being.

Any legal proceeding may be instituted by the Postmaster General for any of the purposes of any of the Telegraph Acts in the name of Her Majesty's Postmaster General for the time being, and shall not abate or be discontinued by reason of any change in the person who is Postmaster General, but may be carried on as if Her Majesty's Postmaster General for the time being were a body corporate; and where any sum is due or payable to the Postmaster General under any of the Telegraph Acts, or any contract, agreement, or regulations made in pursuance or for any of the purposes of those Acts or any of

them, the Postmaster General may recover the same as a debt in any court and in any manner in which it might be recovered if it were a debt due to a private person.

Printing, authentication, and service of notices and other documents.

12. A notice under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, appointment, direction, or document given, issued, or made for the purposes of this Act by the Postmaster General shall be sufficiently authenticated if purporting to be signed by a secretary or assistant secretary of the Post Office, or by a superintending engineer of the Postmaster General, or by an officer appointed for the purpose by the Postmaster General, and when so authenticated shall be deemed to be given, issued, or made by the Postmaster General.

Where a notice is given by any undertakers, body, or person, the notice shall be sufficiently authenticated if purporting to be signed by the chairman, secretary, clerk, or other officer of such undertakers, body, or person.

A notice required to be given under this Act to the Postmaster General may be given by leaving the same at or by forwarding the same by post to the General Post Office in a letter addressed to the Postmaster General or to the Secretary of the Post Office, or to an assistant secretary of the Post Office, or by delivering the same to or forwarding the same by post in a letter addressed to the superintending engineer of the Postmaster General for the district in which is the work, telegraphic line, or other matter referred to in the notice and addressed to him at his office or usual place of abode.

A notice required to be given under this Act to any undertakers or body may be given by leaving the same at or by forwarding the same by post to the office, or where there is more than one office the principal office of such undertakers or body in a letter addressed to such undertakers or body, or to their chairman, secretary, clerk, or other officer.

A notice required to be given under this Act to any person may be given by delivering the same to such person or by leaving the same at or forwarding the same by post in a letter addressed to such person at his usual or last known place of abode.

Where a notice is forwarded by post it shall be deemed to have been given at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving the giving thereof it shall be sufficient to prove that the same was properly addressed and put into the post.

The expression "notice" in this section shall be deemed to include a counter-notice.

Saving existing rights.

13. Nothing in this Act contained shall vary or prejudicially affect the rights or obligations subsisting at the time of the passing of this Act, of any Railway or Canal Company, or of the Postmaster General respectively, under the provisions of the Telegraph Acts, 1868 and 1869, or under any deed, agreement, or award made between any Railway or Canal Company and the Postmaster General, whether confirmed by or made in pursuance of the Telegraph Acts; and in regard to all railways and canals now existing or authorised, the provisions of the Telegraph Acts, 1868 and 1869, shall not be

affected by this Act except that the arbitrators on any difference between the companies and the Postmaster General shall be those provided by this Act: Provided always, that, notwithstanding the incorporation of the Telegraph Act, 1863, with the Telegraph Act, 1868, the provisions of the Telegraph Act, 1863, shall not be deemed to be provisions of the Telegraph Acts, 1868 and 1869, or either of those Acts, within the meaning of this section, or any part thereof.

Saving rights of trustees of Bridgewater Canal.

14. Nothing in this Act shall affect the rights of the trustees or proprietors of the Bridgewater Canal under section eleven of the Telegraph Act, 1868.

Section 6.

SCHEDULE.

LOCAL ACTS REFERRED TO.

Session and Chapter.	Short Title of Act.
40 & 41 Vict. c. ccxi.	Abbotsbury Railway Act, 1877.
40 & 41 Vict. c. ccxxvi.	Belfast Central Railway Act, 1877.
40 & 41 Vict. c. ccxiii.	Birmingham and Lichfield Railway Act, 1877.
40 & 41 Vict. c. clxxxix.	Brighton and Dyke Railway Act, 1877.
40 & 41 Vict. c. clxxiv.	Bromley Direct Railway Act, 1877.
40 & 41 Vict. c. clvii.	Bury and Tottington District Railway Act, 1877.
40 & 41 Vict. c. ccxiv.	Burry Port and Gwendreath Railway Act, 1877.
40 & 41 Vict. c. clxvi.	Clackton-on-Sea Railway Act, 1877.
40 & 41 Vict. c. clx.	Cranbrook and Paddock Wood Railway Act, 1877.
40 & 41 Vict. c. cxii.	Derry Central Railway Act, 1877.
40 & 41 Vict. c. ccxxxi.	Dover and Deal Railway Act, 1877.
40 & 41 Vict. c. clvi.	East London Railway Act, 1877.
40 & 41 Vict. c. ccxv.	Glencairn Railway Act, 1877.
40 & 41 Vict. c. clxxvii.	Golden Valley Railway Act, 1877.
40 & 41 Vict. c. ccxviii.	Lewes and East Grinstead Railway Act, 1877.
40 & 41 Vict. c. clxxix.	Limerick and Kerry Railway Act, 1877.
40 & 41 Vict. c. clxxx.	Loose Valley Railway Act, 1877.
40 & 41 Vict. c. ccxx.	Mersey Railway Act, 1877.
40 & 41 Vict. c. ccxxxiii.	Metropolitan District Railway Act, 1877.
40 & 41 Vict. c. cxcvii.	Penarth, Sully, and Barry Railway Act, 1877.
40 & 41 Vict. c. cxlviii.	Severn Bridge Railway Act, 1877.
40 & 41 Vict. c. cxliv.	Usk and Towy Railway Act, 1877.
40 & 41 Vict. c. ccxxv.	Welshpool and Llanfair Railway Act, 1877.
40 & 41 Vict. c. clxxxv.	Whitland and Taf Vale Railway Act, 1877.
40 & 41 Vict. c. cxcix.	Whitland, Cronware, and Pendine Railway Act, 1877.

CHAPTER 77.

An Act to amend the Law relating to Highways in England and the Acts relating to Locomotives on Roads; and for other purposes. [16th August 1878.]

24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

WHEREAS it is expedient to amend the law relating to highways in England, and to amend the Locomotive Acts, 1861 and 1865:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Highways and Locomotives (Amendment) Act, 1878. Short title.

2. This Act shall not apply to Scotland or Ireland; and, save as is by this Act expressly provided, Part I. of this Act shall not apply to the Isle of Wight; nor to any part of the metropolis; nor to any part of a county to which the Act passed in the session of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the "better management and control of the highways in South Wales," extends. Application of Act.

PART I.

Amendment of Highway Law.

Highway Districts.

3. In forming any highway districts, or in altering the boundaries of any highway districts, the county authority shall have regard to the boundaries of the rural sanitary districts in their county, and shall, so far as may be found practicable, form highway districts so as to be coincident in area with rural sanitary districts, or wholly contained within rural sanitary districts. Highway districts to be made so far as possible coincident with rural sanitary districts.

4. Where a highway district, whether formed before or after the passing of this Act, is or becomes coincident in area with a rural sanitary district, the rural sanitary authority of such district may apply to the county authority, stating that they are desirous to exercise the powers of a highway board under the Highway Acts within their district. Power for rural sanitary authority of district coincident with highway district to become highway board.

On such application the county authority may, if they see fit, by order declare that from and after a day to be named in the order (in this Act called the commencement of the order) such rural sanitary authority shall exercise all the powers of a highway board under the Highway Acts; and as from the commencement of the order the existing highway board (if any) for the district shall be dissolved, and waywardens or surveyors shall not hold office or be elected for any parish in the district.

An order made under this section may be amended, altered, or rescinded by a subsequent order of the county authority.

Where a highway district, being coincident in area with a rural sanitary district, is situate in more than one county, an order under this section may be made by the county authority of any county in which any part of such district is situate, but such order, and any order amending, altering, or rescinding the same, shall not be of any force or effect until it has been approved by the county authority or authorities of the other county or counties in which any part of such district is situate.

5. (1.) From and after the commencement of the order declaring a rural sanitary authority entitled to exercise the powers of a highway board within their district, the following consequences shall ensue: Consequences of rural sanitary authority becoming highway board.

All such property, real or personal, including all interests easements and rights in to and out of property real and personal

and including things in action, as belongs to or is vested in or would but for such order have belonged to or been vested in the highway board, or any surveyor or surveyors of any parish forming part of the district, shall pass to and vest in the rural sanitary authority for all the estate and interest of the highway board, or of such surveyor or surveyors, but subject to all debts and liabilities affecting the same:

All debts and liabilities incurred in respect of any property transferred to the rural sanitary authority may be enforced against that authority to the extent of the property transferred:

All such powers rights duties liabilities capacities and incapacities (except the power of obtaining payment of their expenses by the issue of precepts in manner provided by the Highway Acts, or the power of making, assessing, and levying highway rates) as are vested in or attached to or would but for such order have become vested in or attached to the highway board, or any surveyor or surveyors of any parish forming part of the district, shall vest in and attach to the rural sanitary authority:

All property by this Act transferred to the rural sanitary authority shall be held by them on trust for the several parishes for the benefit of which it was held previously to such transfer.

(2.) If at any time after a rural sanitary authority has become invested with the powers of a highway board in pursuance of this Act, the boundaries of the district of such authority are altered, the powers and jurisdiction of such authority in their capacity of highway board shall be exercised within such altered district; and on the application of any authority or person interested the Local Government Board may by order provide for the adjustment of any accounts, or the settlement of any doubt or difference so far as relates to highways consequent on the alteration of the boundaries of such rural sanitary district.

(3.) All expenses incurred by a rural sanitary authority in the performance of their duties as a highway board shall be deemed to be general expenses of such authority within the meaning of the Public Health Act, 1875.

38 & 39 Vict. c. 55.

Highway boards may combine to appoint a district surveyor.

6. Any two or more highway boards may unite in appointing and paying the salary of a district surveyor, who shall in relation to the district of each of the boards by whom he is appointed have all the powers and duties of a district surveyor under the Highway Acts.

Expenses of highway boards to be paid out of district fund.

7. All expenses incurred by any highway board in maintaining and keeping in repair the highways of each parish within their district, and all other expenses legally incurred by such board, shall, notwithstanding anything contained in the Highway Acts, on and after the twenty-fifth day of March one thousand eight hundred and seventy-nine be deemed to have been incurred for the common use or benefit of the several parishes within their district, and shall be charged on the district fund: Provided, that if a highway board think it just, by reason of natural differences of soil or locality, or other exceptional circumstances, that any parish or parishes within their district should bear the expenses of maintaining its or their own highways, they may (with the approval of the county authority or authorities of the county or counties within which their district, or any part thereof, is situate) divide

their district into two or more parts, and charge exclusively on each of such parts the expenses payable by such highway board in respect of maintaining and keeping in repair the highways situate in each such part; so, nevertheless, that each such part shall consist of one or more highway parish or highway parishes.

Charge of moneys to be hereafter borrowed.

8. All moneys borrowed by a highway board after the twenty-fifth day of March one thousand eight hundred and seventy-nine, under the Highway Acts, shall be charged on the district fund, but nothing in this Act shall affect the security, chargeability, or repayment of any moneys borrowed before the twenty-fifth day of March one thousand eight hundred and seventy-nine.

Audit of accounts of highway districts and parishes.

9. The accounts of the highway authority of every highway district and highway parish shall be made up in such form as the Local Government Board shall from time to time prescribe, and shall be balanced to the twenty-fifth day of March in each year, and as soon as conveniently may be after such day the said accounts shall be audited and examined by the auditor of accounts relating to the relief of the poor for the audit district in which the highway district or highway parish, or the greater part thereof in rateable value, is situate.

Every such auditor shall (as nearly as may be) have, in relation to the accounts of the highway authority of a highway district or highway parish, and of their officers, the same powers and duties as he has in the case of accounts relating to the relief of the poor; and any person aggrieved by the decision of the auditor shall have the same rights and remedies as in the case of such last-mentioned audit.

The auditor shall receive such remuneration as the Local Government Board direct; and such remuneration, together with the expenses incident to the audit, shall be paid by the highway authority of the highway district or highway parish out of the fund or rate applicable to the repair of highways within such district or parish; and such remuneration and expenses may, in default of payment, be recovered in a summary manner.

5 & 6 W. 4. c. 50. 27 & 28 Vict. c. 101.

Section forty-four of the Highway Act, 1835, is hereby repealed, and section thirty-six of the Highway Act, 1864, is hereby repealed down to the words "to be paid out of the district fund," and the statement of receipt and expenditure by the said section directed to be furnished by every highway board within thirty days after the signature of the accounts by the chairman shall be furnished within thirty days after the completion of the audit under this section.

Nothing in this section shall affect any proceeding commenced before the passing of this Act.

Power of county authority to enforce performance of duty by defaulting highway authority.

10. Where complaint is made to the county authority that the highway authority of any highway area within their jurisdiction has made default in maintaining or repairing all or any of the highways within their jurisdiction, the county authority, if satisfied after due inquiry and report by their surveyor that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of the duty of the highway authority in the matter of such complaint.

If such duty is not performed by the time limited in the order, and the highway authority fail to show to the county authority

sufficient cause why the order has not been complied with, the county authority may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with the reasonable remuneration of the person appointed for superintending such performance, shall be paid by the authority in default, and any order made for payment of such expenses and costs may be removed into the High Court of Justice, and be enforced in the same manner as if the same were an order of such court.

Any person appointed under this section to perform the duty of a defaulting highway authority shall, in the performance and for the purpose of such duty, be invested with all the powers of such authority other than the powers of making rates or levying contributions by precept, and the county authority may from time to time, by order, change any person so appointed.

Where an order has been made by a county authority for the repair of a highway on a highway authority alleged to be in default, if such authority, within ten days after service on them of the order of the county authority, give notice to the clerk of the peace that they decline to comply with the requisitions of such order until their liability to repair the highway in respect to which they are alleged to have made default has been determined by a jury, it shall be the duty of the county authority either to satisfy the defaulting authority by cancelling or modifying in such manner as the authority may desire the order of the county authority, or else to submit to a jury the question of the liability of the defaulting authority to repair the highway.

If the county authority decide to submit the question to a jury they shall direct a bill of indictment to be preferred to the next practicable assizes to be holden in and for their county, with a view to try the liability of the defaulting authority to repair the highway. Until the trial of the indictment is concluded the order of the county authority shall be suspended. On the conclusion of the trial, if the jury find the defendants guilty, the order of the county authority shall forthwith be deemed to come into force; but if the jury acquit the defendants the order of the county authority shall forthwith become void.

The costs of the indictment, and of the proceedings consequent thereon, shall be paid by such parties to the proceedings as the court before whom the case is tried may direct. Any costs directed to be paid by the county authority shall be deemed to be expenses properly incurred by such authority, and shall be paid accordingly out of the county rate; and any costs directed to be paid by the highway authority shall be deemed to be expenses properly incurred by such authority in maintenance of the roads within their jurisdiction, and shall be paid out of the funds applicable to the maintenance of such roads.

Duration of office of waywarden.

11. Notwithstanding anything in the Highway Acts, waywardens shall continue in office till the thirtieth day of April in the year following the year in which they were elected, and on that day their successors shall come into office.

Repeal of part of s. 7. of

12. So much of section seven of the Highway Act, 1862, as prohibits the inclusion in a highway district of any parish or place the

highways of which were, at the time of the passing of that Act, or within six months afterwards, under the superintendence of a board established in pursuance of section eighteen of the principal Act, unless with the consent of such board, is hereby repealed. 25 & 26 Vict. c. 61.

Main Roads.

Disturnpiked roads to become main roads, and half the expense or maintenance to be contributed out of county rate.

13. For the purposes of this Act, and subject to its provisions, any road which has, within the period between the thirty-first day of December one thousand eight hundred and seventy and the date of the passing of this Act, ceased to be a turnpike road, and any road which, being at the time of the passing of this Act a turnpike road, may afterwards cease to be such, shall be deemed to be a main road; and one half of the expenses incurred from and after the twenty-ninth day of September one thousand eight hundred and seventy-eight by the highway authority in the maintenance of such road shall, as to every part thereof which is within the limits of any highway area, be paid to the highway authority of such area by the county authority of the county in which such road is situate out of the county rate, on the certificate of the surveyor of the county authority, or of such other person or persons as the county authority may appoint, to the effect that such main road has been maintained to his or their satisfaction.

Provided that no part of such expenses shall be included in—

(1.) Any precept or warrant for the levying or collection of county rate within the metropolis, subject and without prejudice to any provision to be hereafter made; or

(2.) Any order made on the council of any borough having a separate court of quarter sessions under section one hundred and seventeen of the Municipal Corporation Act, 1835.

The term "expenses" in this section shall mean the cost of repairs defrayed out of current rates, and shall not include any repayment of principal moneys borrowed, or of interest payable thereon.

Description of highway areas.

14. The following areas shall be deemed to be highway areas for the purposes of this Act; (that is to say,)

(1.) Urban sanitary districts:

(2.) Highway districts:

(3.) Highway parishes not included within any highway district or any urban sanitary district.

Power to declare ordinary highway to be a main road.

15. Where it appears to any highway authority that any highway within their district ought to become a main road by reason of its being a medium of communication between great towns, or a thoroughfare to a railway station, or otherwise, such highway authority may apply to the county authority for an order declaring such road, as to such parts as aforesaid, to be a main road; and the county authority, if of opinion that there is probable cause for the application, shall cause the road to be inspected, and, if satisfied that it ought to be a main road, shall make an order accordingly.

A copy of the order so made shall be forthwith deposited at the office of the clerk of the peace of the county, and shall be open to the inspection of persons interested at all reasonable hours; and the order so made shall not be of any validity unless and until it is confirmed by a further order of the county authority made within

a period of not more than six months after the making of the first-mentioned order.

Power to reduce main road to status of ordinary highway.

16. If it appears to a county authority that any road within their county which, within the period between the thirty-first day of December one thousand eight hundred and seventy and the date of the passing of this Act, ceased to be a turnpike road ought not to become a main road in pursuance of this Act, such authority shall, before the first day of February one thousand eight hundred and seventy-nine, make an application to the Local Government Board for a provisional order declaring that such road ought not to become a main road.

Subject as aforesaid, where it appears to a county authority that any road within their county which has become a main road in pursuance of this Act ought to cease to be a main road and become an ordinary highway, such authority may apply to the Local Government Board for a provisional order declaring that such road has ceased to be a main road and become an ordinary highway.

The Local Government Board, if of opinion that there is probable cause for an application under this section, shall cause the road to be inspected, and if satisfied that it ought not to become or ought to cease to be a main road and become an ordinary highway shall make a provisional order accordingly, to be confirmed as herein-after mentioned.

All expenses incurred in or incidental to the making or confirmation of any order under this section shall be defrayed by the county authority applying for such order.

Turnpike road in several counties.

17. Where a turnpike road subject to one trust extends into divers counties, such road, for the purposes of this Act, shall be treated as a separate turnpike road in each county through which it passes.

Accounts of expenses of maintenance of main roads.

18. Every highway authority shall keep, in such form as may be directed by the county authority, a separate account of the expenses of the maintenance of the main roads within their jurisdiction, and shall forward copies thereof to the county authority at such time or times in every year as may be required by the county authority, and the accounts so kept shall, where the accounts of the highway authority are audited under this Act or under section two hundred and forty-seven of the Public Health Act, 1875, be audited in the same manner as the other accounts of such authority, and where the accounts of the highway authority are not so audited shall be subject to such audit as the county authority may direct.

38 & 39 Vict. c. 55.

If any highway authority makes default in complying with the provisions of this section, or with any directions given in pursuance thereof by the county authority, the county authority may withhold all or any part of the contribution payable by them under this Act towards the expenses of the maintenance of main roads, by such highway authority for the year in which such default occurs.

Highway district situate in more than one county.

19. Where a highway district is situate in more than one county, the provisions of this Act, with respect to the expenses of the maintenance of main roads, shall apply as if the portion of such district situate in each county were a separate highway district in that county.

Repair of main roads in certain

20. Notwithstanding the provisions of this Act, in the case of any county in which certain of the bridges within the county are repairable by the county at large, and others are repairable by the

several hundreds within the county in which they are situate, it shall be lawful for the county authority from time to time, by order, to declare any main road or part of a main road within their county to be repairable to the extent only and in manner provided by section thirteen of this Act, either by the county or by the hundred in which such main road or part is situate, as they think fit; and where a main road or part thereof is declared to be repairable by a hundred, the expense of repairing the same shall, to the extent to which but for this section the expense or any contribution towards the expense of repairing the same would be repayable out of the county rate, be repayable out of a separate rate which shall be raised and charged in the like manner as the expenses of repairing the hundred bridges in the same hundred would have been raised and charged.

Bridges.

Certain existing bridges may be accepted by county authority.

21. Any bridge erected before the passing of this Act in any county without such superintendence as is provided in section five of the statute of the forty-third year of King George the Third, chapter fifty-nine, and which is certified by the county surveyor or other person appointed in that behalf by the county authority to be in good repair and condition, shall, if the county authority see fit so to order, become and be deemed to be a bridge which the inhabitants of the county shall be liable to maintain and repair.

Contribution out of county rates towards erecting bridges.

22. The county authority may make such contribution as it sees fit out of the county rates towards the cost of any bridge to be hereafter erected, after the same has been certified in accordance with the provisions of section five of the statute of the forty-third year of King George the Third, chapter fifty-nine, as a proper bridge to be maintained by the inhabitants of the county; so always that such contribution shall not exceed one half the cost of erecting such bridge.

Extraordinary Traffic.

Power of road authority to recover expenses of extraordinary traffic.

23. Where by a certificate of their surveyor it appears to the authority which is liable or has undertaken to repair any highway, whether a main road or not, that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, such authority may recover in a summary manner from any person by whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such weight or traffic as aforesaid.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

Discontinuance of unnecessary Highways.

Unnecessary highways may be declared not repairable at the public expense.

24. If any authority liable to keep any highway in repair is of opinion that so much of such highway as lies within any parish situate in a petty sessional division is unnecessary for public use, and therefore ought not to be maintained at the public expense, such authority (in this section referred to "as the applicant authority") may apply to the court of summary jurisdiction of such petty sessional division to view by two or more justices, being members of the court, the highway to which such application relates, and on such view being had, if the court of summary jurisdiction is of opinion that the application ought to be proceeded with, it shall by notice in writing to the owners or reputed owners and occupiers of all lands abutting upon such highway, and by public notice, appoint a time and place, not earlier than one month from the date of such notice, at which it will be prepared to hear all persons objecting to such highway being declared unnecessary for public use, and not repairable at the expense of the public.

On the day and at the place appointed, the court shall hear any persons objecting to an order being made by the court that such highway is unnecessary for public use and ought not to be repairable at the public expense, and shall make an order either dismissing the application or declaring such highway unnecessary for public use, and that it ought not to be repaired at the public expense.

If the court make such last-mentioned order as aforesaid, the expenses of repairing such highway shall cease to be defrayed out of any public rate.

Public notice of the time and place appointed for hearing a case under this section shall be given by the applicant authority as follows; that is to say,

(1.) By advertising a notice of the time and place appointed for the hearing and the object of the hearing, with a description of the highway to which it refers in some local newspaper circulating in the district in which such highway is situate once at least in each of the four weeks preceding the hearing; and

(2.) By causing a copy of such notice to be affixed, at least fourteen days before the hearing, to the principal doors of every church and chapel in the parish in which such highway is situate, or in some conspicuous position near such highway.

And the application shall not be entertained by the court until the fact of such public notice having been given is proved to its satisfaction.

If at any time after an order has been made by a court of summary jurisdiction under this section, upon application of any person interested in the maintenance of the highway in respect of which such order has been made, after one month's previous notice in writing thereof to the applicant authority, it appears to the court of quarter sessions that from any change of circumstances since the time of the making of any such order as aforesaid such highway has become of public use, and ought to be maintained at the public expense, the court of quarter sessions may direct that the liability

of such highway to be maintained at the public expense shall revive from and after such day as they may name in their order, and such highway shall thenceforth be maintained out of the rate applicable to payment of the expenses of repairing other highways repairable by the applicant authority; and the said court of quarter sessions may by their order direct the expenses of and incident to such application to be paid as they may see fit.

Any order of a court of summary jurisdiction under this section shall be deemed to be an order from which an appeal lies to a court of quarter sessions.

Appointment of Surveyors in certain Parishes.

Removal of doubt as to appointment of surveyors in certain parishes. 5 & 6 W. 4. c. 50.

25. Whereas doubts have arisen whether a surveyor of highways can be appointed, in pursuance of the Highway Act, 1835, for a parish which does not maintain any highway: Be it therefore enacted, that it shall be lawful for the inhabitants in vestry assembled of any parish or place having a known legal boundary (notwithstanding that the inhabitants at large are not for the time being liable to maintain any highway or to contribute to any rate applicable to the maintenance of highways), or, on the neglect or refusal of such inhabitants, for the justices at a special sessions for the highways or in petty sessions assembled, at any time to exercise all the powers of the Highway Acts with respect to the election or appointment of a surveyor of highways with or without a salary for such parish or place; and any surveyor so elected or appointed shall have all the powers and duties (including the power of making, assessing, and levying of highway rates) of a surveyor under the Highway Acts.

Byelaws by County Authority.

Power of county authority to make byelaws.

26. A county authority may from time to time make, with respect to all or any main roads or other highways within any highway area in their county, and when made alter or repeal, byelaws for all or any of the purposes following; that is to say,

(1.) For prohibiting or regulating the use of any waggon wain cart or carriage drawn by animal power and having wheels of which the fellies or tires are not of such width in proportion to the weight carried by, or to the size of, or to the number of wheels of such waggon wain cart or carriage as may be specified in such byelaws; and

(2.) For prohibiting or regulating the use of any waggon wain cart or other carriage drawn by animal power not having the nails on its wheels countersunk in such manner as may be specified in such byelaws, or having on its wheels bars or other projections forbidden by such byelaws; and

(3.) For prohibiting or regulating the locking of the wheel of any waggon wain cart or carriage drawn by animal power when descending a hill, unless there is placed at the bottom of such wheel during the whole time of its being locked a skidpan slipper or shoe in such manner as to prevent the road from being destroyed or injured by the locking of such wheel; and

(4.) For prohibiting or regulating the erection of gates across highways, and prohibiting gates opening outwards on highways; and

(5.) For regulating the use of bicycles.

Fines to be recovered summarily may be imposed by any such byelaws on persons breaking any byelaw made under this section, provided that no fine exceeds for any one offence the sum of two pounds, and that the byelaws are so framed as to allow of the recovery of any sum less than the full amount of the fine.

Saving for Minerals.

To whom minerals under disturnpiked roads to belong. 11 & 12 Vict. c. 63. 38 & 39 Vict. c. 55.

27. Notwithstanding anything contained in section sixty-eight of the Public Health Act, 1848, or in section one hundred and forty-nine of the Public Health Act, 1875, all mines and minerals of any description whatsoever under any disturnpiked road or highway which has or shall become vested in an urban sanitary authority by virtue of the said sections, or either of them, shall belong to the person who would be entitled thereto in case such road or highway had not become so vested, and the person entitled to any such mine or minerals shall have the same powers of working and of getting the same or other minerals as if the road or highway had not become vested in the urban sanitary authority, but so nevertheless that in such working and getting no damage shall be done to the road or highway.

This section shall extend to the Isle of Wight and to South Wales, as defined by the said Act of the twenty-third and twenty-fourth years of the reign of Her present Majesty, chapter sixty-eight, intituled "An Act for the better management and control of the "highways in South Wales."

PART II.

AMENDMENT OF LOCOMOTIVE ACTS, 1861 AND 1865.

Weight of locomotives and construction of wheels. 24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

28. Section three of the Locomotive Act, 1861, and section five of the Locomotive Act, 1865, are hereby repealed, so far as relates to England, and in lieu thereof be it enacted that it shall not be lawful to use on any turnpike road or highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

(1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches; and

GENERAL ORDER OF THE LOCAL GOVERNMENT BOARD, DATED NOVEMBER 4, 1898, AMENDING ORDER VARYING PROVISIONS AS TO CONSTRUCTION OF WHEELS OF LOCOMOTIVES ON HIGHWAYS.

38,904.

Highways and Locomotives (Amendment) Act, 1878,

and

Locomotives on Highways Act, 1896.

To the county councils of the several administrative counties in England and Wales;—

To the councils of the several county boroughs in England and Wales;—

To the sanitary authorities of the several sanitary districts in the administrative county of London;—

To the urban district councils of the several urban districts in England and Wales;—

To the rural district councils acting as highway authorities in rural districts in England and Wales;—

And to all others whom it may concern.

Whereas by section 28 of the Highways and Locomotives (Amendment) Act, 1878, it is enacted that it shall not be lawful to use on any turnpike road or highway a locomotive constructed otherwise than in accordance with the provisions therein set forth, and by sub-section (4) of that section it is provided as follows; that is to say,—

> "The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three-quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches."

Amendment of 28 & 29 Vict. c. 83. s. 3.

And whereas by section 9 of the Locomotives on Highways Act, 1896, it is enacted that the requirements of the above-cited sub-section may be from time to time varied by Order of the Local Government Board;

And whereas we, the Local Government Board, in pursuance of the aforesaid Acts, by an Order dated the 26th day of November, 1897, varied the provisions of the above-cited sub-section so as to provide that a locomotive may be used the driving wheels of which, instead of being smooth-soled or shod with cross-bars, are shod with wooden blocks, subject to the conditions in the said Order contained; and it is expedient that the said provisions should be further varied:

Steam locomotives to be constructed so as to consume their smoke. 24 & 25 Vict. c. 70.

Now therefore, in pursuance of the powers given to us in that behalf, we do hereby order that the provisions of the above-cited sub-section of section 28 of the said Act of 1878 shall be further varied by the substitution for the condition numbered 6 in the said Order, dated the twenty-sixth day of November, one thousand eight hundred and ninety-seven, of the following condition:—

> 6. No such wheel shall be used any block of which is so worn that any metal rim surrounding the block protrudes beyond the surface of the block.

Power to local authorities to make orders as to hours during which locomotives may pass over roads. 28 & 29 Vict. c. 83.

Given under the seal of office of the Local Government Board, this fourth day of November, in the year one thousand eight hundred and ninety-eight.

(L.S.) HENRY CHAPLIN,
President.

HUGH OWEN,
Secretary

upon any highway, or preventing such use upon every bridge where such authority is satisfied that such use would be attended with danger to the public; and any person in charge of a locomotive acting contrary to such byelaws shall be liable to a fine not exceeding five pounds.

Power of county authority to license locomotives.

32. A county authority may from time to time make, alter, and repeal byelaws for granting annual licenses to locomotives used within their county, and the fee (not exceeding ten pounds) to be paid in respect of each license; and the owner of any locomotive for which a license is required under any byelaw so made who uses or permits the same to be used in contravention of any such byelaw shall be liable to a fine not exceeding forty shillings for every day on which the same is so used.

All fees received under this section shall be carried to and applied as part of the county rate.

This section shall not apply to any locomotive used solely for agricultural purposes.

Duration of Part II. of Act. 28 & 29 Vict. c. 83.

33. This part of this Act shall remain in force so long only as the Locomotive Act, 1865, continues in force.

PART III.

Procedure and Definitions.

Confirmation of provisional order.

34. It shall be lawful for the Local Government Board to submit any provisional order made by them under this Act to Parliament for confirmation, and without such confirmation a provisional order shall not be of any validity.

Confirmation of byelaws.

35. A byelaw made under this Act, and any alteration made therein and any repeal of a byelaw, shall not be of any validity until it has been submitted to and confirmed by the Local Government Board.

A byelaw made under this Act shall not, nor shall any alteration therein or addition thereto or repeal thereof, be confirmed until the expiration of one month after notice of the intention to apply for confirmation of the same has been given by the authority making the same in one or more local newspapers circulating in their county or district.

Recovery of penalties and expenses.

36. All offences, fines, and expenses under this Act, or any byelaw made in pursuance of this Act, may be prosecuted, enforced, and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

The expression "the Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to "facilitate the performance of the duties of justices of the peace "out of sessions within England and Wales with respect to sum-"mary convictions and orders," inclusive of any Acts amending the same.

The expression "court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts: Provided that the court, when hearing and deter-

mining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty session, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Form of appeal to quarter sessions.

37. If any party thinks himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next practicable court of quarter sessions for the county or place where the decision appealed from was given holden not less than twenty-one days after the decision of the court from which the appeal is made; and

(2.) The appellant shall, within ten days after the pronouncing by the court of the decision appealed from, give notice to the other party and to the court of summary jurisdiction of his intention to appeal and of the ground thereof; such notice of appeal shall be in writing signed by the person or persons giving the same, or by his, her, or their solicitor on his, her, or their behalf; and

(3.) The appellant shall, within three days after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow; and

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information or complaint in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Interpretation. 25 & 26 Vict. c. 61. 27 & 28 Vict. c. 101.

38. In this Act—

"County" has the same meaning as it has in the Highway Acts, 1862 and 1864, except that every liberty not being assessable to the county rate of the county or counties within which it is locally situate shall, for the purposes of this Act other than those relating to the formation and alteration of highway dis-

tricts, and the transfer of the powers of a highway board, be deemed to be a separate county:

"County authority" means the justices of a county in general or quarter sessions assembled:

"Borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An "Act to provide for the regulation of municipal corporations "in England and Wales," and the Acts amending the same:

25 & 26 Vict. c. 61. 27 & 28 Vict. c. 101. "Highway district" means a district constituted in pursuance of the Highway Act, 1862, and the Highway Act, 1864, or one of such Acts:

"Highway board" means the highway board having jurisdiction within a highway district:

25 & 26 Vict. c. 61. 27 & 28 Vict. c. 101. "Highway parish" means a parish or place included or capable of being included in a highway district in pursuance of the Highway Acts, 1862 and 1864, or one of such Acts:

"Highway authority" means as respects an urban sanitary district the urban sanitary authority, and as respects a highway district the highway board, and as respects a highway parish the surveyor or surveyors or other officers performing similar duties:

38 & 39 Vict. c. 55. "Rural sanitary district" and "rural sanitary authority" mean respectively the districts and authorities declared to be rural sanitary districts and authorities by the Public Health Act, 1875:

38 & 39 Vict. c. 55. "Urban sanitary district" and "urban sanitary authority" mean respectively the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1875, except that for the purposes of this Act no borough having a separate court of quarter sessions, and no part of any such borough, shall be deemed to be or to be included in any such district, and where part of a parish is included in such district for the purpose only of the repairs of the highways such part shall be deemed to be included in the district for the purposes of this Act:

18 & 19 Vict. c. 120. "The metropolis" means the parishes and places mentioned in the Schedules A., B., and C., annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided; also the city of London and the liberties of the said city:

"Quarter sessions" includes general sessions:

"Petty sessional division" means any division for the holding a special sessions formed or to be formed under the provisions of the Act of the ninth year of the reign of His late Majesty King George the Fourth, chapter forty-three, or any Act amending the same; also any division of a county, or of a riding, division, parts, or liberty of a county, having a separate commission of the peace, in and for which petty sessions or special sessions are usually held, whether in one or more place or places, in accordance with any custom, or otherwise than under the said last-mentioned Act; but does not include any city, borough, town corporate, or district constituted a petty sessional division by

the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter eighteen, intituled "An Act for the holding of petty sessions of the peace in "boroughs, and for providing places for the holding of such "petty session in counties and boroughs:"

"Locomotive" means a locomotive propelled by steam or by other than animal power:

"Person" includes a body of persons corporate or unincorporate.

CHAPTER 78.

An Act to further amend the provisions of the Law of Scotland on the subject of Education, and for other purposes connected therewith. [16th August 1878.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. 35 & 36 Vict. c. 62.

1. This Act may be cited as the Education (Scotland) Act, 1878, and this Act and the Education (Scotland) Act, 1872, (in this Act referred to as the principal Act,) may be cited together as the Education (Scotland) Acts, 1872 and 1878.

Extent of Act.

2. This Act shall extend to Scotland only.

Commencement of Act.

3. This Act shall, except in so far as herein-after provided, come into operation on the first day of October one thousand eight hundred and seventy-eight (which day is in this Act referred to as the commencement of this Act).

Construction of Act.

4. This Act shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to include this Act.

Regulation as to employment of child under 10, and certificate of knowledge being condition of employment of child over 10.

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child—

(1.) Who is under the age of ten years; or

(2.) Who, being of the age of ten years, and not more than fourteen years, has not obtained a certificate of ability to read and write, and of a knowledge of elementary arithmetic in terms of section seventy-three of the principal Act, unless such child being of the age of ten years or upwards is employed and is attending school in accordance with the provisions of any Act of Parliament regulating the education of children employed in labour, or of any minute of the Scotch Education Department fixing the standard of education to be required for the partial exemption of children from the obligation to attend school.

Restriction on casual employment of children.

6. After the commencement of this Act no child under the age of ten years shall, save as herein-after mentioned, be employed in any casual employment, and no child who is above the age of ten years but under the age of fourteen years, shall, save as aforesaid, unless he has obtained a certificate of ability to read and write, and of a knowledge of elementary arithmetic in terms of section

seventy-three of the principal Act, be employed in any casual employment after nine o'clock at night, from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April.

Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever, and also employment of any other kind, outside the child's own home, not being employment the lawful period whereof is regulated by any Act of Parliament.

A school board may, by writing under the hand of the clerk, exempt from the prohibitions of this section any child for a period or periods named in such writing, and not exceeding in the whole six weeks, between the first day of January and the thirty-first day of December in any year.

Exception to prohibition of employment of children.

7. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the sheriff either—

(1.) That during the employment there is not within three miles, measured according to the nearest road, from the residence of such child any inspected school open which the child can attend; or

(2.) That such employment is during the school holidays, or during the hours during which the school is not open, not being hours during which casual employment is hereinbefore prohibited; or

(3.) That the employment is exempted by the notice of the school board herein-after next mentioned; (that is to say,)

The school board may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops or to give assistance in the fisheries for the period to be named in such notice: Provided that the period or periods so named by any such school board shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The school board shall cause a copy of every notice so issued to be affixed to the door of all churches and schools in the district.

Penalty for employing a child in contravention of Act.

8. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

Definition of employment in case of parent.

9. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, or who permits such child to be engaged in any such labour on its own behalf, shall be deemed for the purposes of this Act to take such child into his employment.

Enforcement of Act by school board or by inspectors of factories, &c.

10. The provisions of this Act respecting the employment of children shall be enforced in the district of every school board by that board, provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the school board, to enforce the observance by the employers of children of the provisions of this

Act respecting the employment of children in such factories, workshops, and mines; but it shall be the duty of the school board to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

Certificates of birth for purposes of Acts.

11. Where the age of any child is required to be ascertained or proved for the purposes of this Act, any person, on presenting a written requisition in such form, and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain an extract under the hand of the registrar, under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the registry kept under those Acts.

Power of officer of school board to enter place of employment.

12. If it appears to any sheriff, on the complaint of an officer of a school board acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such sheriff may by order under his hand empower an officer of the school board to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place, and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction before the sheriff to a penalty not exceeding twenty pounds.

Exemption of employer on proof of guilt of some other person.

13. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by, or with the privity of, the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate, and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act, and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the school board, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against, and convicting such agent, workman, or parent, such school board, or person, shall institute proceedings against such agent, workman, or parent, and not against the employer.

Temporary modification as to application of Act.

14. The provisions of this Act shall, during twelve months after the commencement of this Act, apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards.

Resignation of member of school board, and supplying vacancy.

15. A member of a school board may resign on giving to the board one month's previous notice in writing of his intention so to do. The vacancy so caused shall, where a quorum remains, be supplied by the school board in the manner provided in section thirteen of the principal Act; and if the school board fail for eight weeks to fill up the vacancy, the Scotch Education Department may nominate a person to fill such vacancy, or may issue an order for an election of a person to fill such vacancy at such time and place and in such manner as the said department shall determine.

Disqualification of member of school board for non-attendance.

16. If a member of a school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

Proceedings where quorum fails by death, &c.

17. If by the death, resignation, or disqualification of any member or members of a school board there shall cease to be a quorum, the Scotch Education Department may nominate as many persons as shall be necessary to make up the full number of members, or may issue an order for an election of such number of members at such time and place and in such manner as the said department shall determine.

Expenses of higher class school buildings may be paid out of school fund and charged on rates.

18. A school board having the management of any school which is a higher class public school within the meaning of the principal Act shall maintain the buildings thereof out of the school fund in the same manner in which it is bound to maintain the buildings of any other school under its management, and shall be empowered to pay from the school fund such other expenses for the promotion of efficient education in the said school as are not provided for by the revenues stated in section sixty-two of the principal Act: Provided that no expenditure under this section shall be incurred without the consent of the Scotch Education Department; and provided that nothing contained in this section shall in any way affect the powers of borrowing from the Public Works Loan Commissioners conferred on school boards by the principal Act.

Examination of higher class schools.

19. When an authority other than a school board having under its management a public or other school in which the education given does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but of instruction in Latin, Greek, modern languages, mathematics, natural science, and generally in the higher branches of knowledge, shall apply to the Scotch Education Department for the examination of such school, with a view to ascertain its general efficiency, and with reference to the higher branches of knowledge taught therein, and shall undertake to pay towards the expenses incident to such examination such sum as the Scotch Education Department may fix, it shall be lawful for the Scotch Education Department to make provision for such examination either by one or more of Her Majesty's inspectors of schools or by such other person or persons as the Scotch Education Department may appoint for the purpose.

Examination of higher class schools under management of school boards.

20. When a school board having under its management a public or other school in which the education given does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but of instruction in Latin, Greek, modern languages, mathematics, natural science, and generally in the higher branches of knowledge, shall apply to the Scotch Education Department for the examination of such school, with a view to ascertain its general efficiency, and with reference to the higher branches of knowledge taught therein, it shall be lawful for the Scotch Education Department to make provision for such examination either by one or more of Her Majesty's Inspectors of Schools, or by such other person or persons as the Scotch Education Department may appoint for the purpose. When a higher class public school shall have been examined under the provisions of this section, such examination shall come in place of an examination under section sixty-two of the principal Act.

Office under board to disqualify from being member of school board.

21. No person holding an office of profit under a school board in any parish or burgh shall be eligible or shall be capable of acting as a member of such school board or as a manager under section twenty-two of the principal Act.

Procedure where parochial board refuse to pay school fees.

22. If a parent is unable from poverty to pay for the elementary education in reading, writing, and arithmetic of his child or children between five and thirteen years of age, and if, upon application, the parochial board of the parish or burgh in which he resides refuses to pay out of the poor fund the ordinary and reasonable fees of such child or children, it shall be the duty of the school board to apply to the sheriff, who, after inquiry, may, if he shall think fit, grant an order on such parochial board to pay the said fees, and such order may dispose of all question of expense.

Mode of procedure and expenses of prosecutions. 27 & 28 Vict. c. 53.

23. Every prosecution for penalties or other proceedings under the principal Act, or this Act, may take place before the sheriff (whose judgment shall be final) under the provisions of the Summary Procedure Act, 1864, and in all proceedings under the principal Act or this Act any person appointed by the school board, or any inspector or sub-inspector of factories, workshops, or mines, may appear before the sheriff and conduct such proceedings.

Where proceedings shall be taken under sections seventy and seventy-one of the principal Act, or under this Act, it shall not be lawful to award expenses against (1) any person appointed by the school board to prosecute, whether that person is or is not a procurator fiscal; or (2) against any inspector or sub-inspector acting under the Acts regulating factories, workshops, or mines respectively. Any prosecution for penalties under the principal Act or this Act which may take place before the sheriff may take place also before any two justices of the peace sitting in open court, and any order which under this Act may be made by the sheriff may be made by such justices, whose judgments and orders shall be final, and not subject to review.

In the principal Act and this Act "sheriff" shall include "sheriff substitute."

Removal of doubt as to right of certain schoolmasters to the franchise.

24. Whereas doubts have arisen as to the right of a teacher of a public school under a school board, who holds office at the pleasure of the board, and who occupies as part of the emoluments of his office lands and heritages under the school board, to be registered as

a voter and to vote at elections for a Member or Members to serve in Parliament, in respect of the qualification afforded by such lands and heritages: And whereas it is expedient that such doubts should be removed, be it enacted, that from and after the passing of this Act it shall be no objection to the name of any such teacher being placed on the register of voters for the burgh or county within which such lands and heritages are situate, that the lands and heritages occupied by him, and on which his claim to the franchise rests, are held as part of the emoluments of his office, and at the pleasure of the school board: Provided, that the rental of such lands and heritages, according to the valuation roll, shall be of sufficient annual value to qualify a voter.

School board to have access to valuation roll free of charge.

25. The clerk of supply of a county or town clerk of a burgh or other officer who shall have in his possession or under his control any valuation roll shall at all times give, free of charge, reasonable access to such roll, either in his official chambers or where no such chambers are provided in such public place as the sheriff shall appoint, to the clerk or other person or persons appointed by the school board of any parish within such county or of such burgh for the purpose of making a copy of such roll or of any entries therein.

Amendment of 35 & 36 Vict. c. 62. sch. B.

26. The principal Act shall be construed as if there were substituted for the rule numbered four in Schedule B. to the principal Act the rule in the schedule to this Act.

Effect of schedules.

27. The schedules to the principal Act and to this Act shall be of the same force as if they were enacted in these Acts respectively.

Amendment of clause 70 of principal Act.

28. The principal Act shall be construed as if the words "one month" were substituted for the words "three months" in clause seventy of that Act.

Union of school board.

29. It shall be lawful for the Scotch Education Department at any time after the passing of this Act, upon the application of the school board of any parish in which no school has been erected by such Board, and of the School Board of any adjoining burgh, to order, that from and after the period specified in the order such parish shall cease, for the purposes of the principal Act and this Act, to be a parish, and shall be esteemed to be a part of such burgh within the meaning and for the purposes of the principal Act and this Act, and a school board shall be elected therefor in pursuance of the order, and the Scotch Education Department shall frame and issue all proper rules and directions for carrying such order into execution.

Extension of burghs for municipal purposes not to alter school board areas unless otherwise ordered by Scotch Education Department.

30. Where by any local Act, or under the powers of any public general Act, the area of any burgh shall hereafter be extended for municipal or police purposes, such extension shall not alter for the purposes of the principal Act or this Act the area of such burgh, or the area of any parish from which any district shall be taken for such extension; and the valuation roll of such extended burgh, so far as it relates to such district, shall, for the purposes of the principal Act and this Act, be held to be a part of the valuation roll of the county applicable to such parish, unless and until such district be annexed to the said burgh for those purposes in manner herein-after mentioned: Provided always, that the Scotch Education Department may at any time, after due inquiry, order such district to be annexed to such burgh for the purposes of the principal Act and this Act,

upon such terms and subject to such arrangements as the said department may determine.

Compulsory purchase of sites. 41 & 42 Vict. c. 78. 8 & 9 Vict. c. 19.

31. With respect to the purchase of land by school boards for the purposes of the Education (Scotland) Acts, 1872 and 1878, the following provisions shall have effect; (that is to say,)

(1.) The Lands Clauses Consolidation (Scotland) Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean the principal Act and this Act, together with the confirming Act herein-after mentioned, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land:

Regulations as to the purchase of land compulsorily.

(2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Publication notices.

(*a.*) Publish during three consecutive weeks in the months of October and November, or either of them, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require, and shall further,—

Service of notices.

(*b.*) After such publication, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(*c.*) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter addressed to the usual or last known place of abode of such person:

Petition to Education Department.

(3.) Upon compliance with the provisions contained in this section with respect to notices, the school board may, if they think fit, present a petition to the Scotch Education Department (herein-after called "the department"), praying that an order may be made authorising the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken, and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such

land, or who have returned no answer to the notice, and shall be supported by such evidence as the department may from time to time require:

(4.) If on consideration of the petition and proof of the publication and service of the proper notices the department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the department may make the order prayed for, authorising the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit; and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served:

No order valid until confirmed by Parliament.

(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament, and it shall be lawful for the department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order (herein called the confirming Act) shall be deemed to be a public general Act of Parliament:

Costs how to be defrayed.

(7.) The department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively:

(8.) All costs, charges, and expenses incurred by the department in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the department as aforesaid, shall become a charge upon the school fund of the parish or burgh to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners or allowance of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

Parochial board to pay over school rate without deduction.

32. When, under section forty-four of the principal Act, a parochial board is required by a school board to levy by means of a local rate any sum required to meet a deficiency in the school fund, or to levy an amount of rate on each pound of rental as school rate, the

parochial board shall pay over to the school board such sum or the produce of such rate, as the case may be, without any deduction on account of the cost of levying and collecting such sum or rate.

SCHEDULE.

The triennial election of a school board for any parish or burgh shall be held at such time and in such manner and in accordance with such regulations as the Scotch Education Department may from time to time by order prescribe; and the Scotch Education Department may by order appoint or direct the appointment, and make regulations as to the duties, remuneration, and expenses, of any officers requisite for the purpose of such election, and make regulations respecting all other necessary things preliminary or incidental to such election, and revoke or alter any previous order.

CHAPTER 79.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary.

[16th August 1878.]

WHEREAS, with a view to the revision of the Statute Law, and particularly to the preparation of the Revised Edition of the Statutes now in progress, it is expedient that certain enactments (mentioned in the First Schedule to this Act) which may be regarded as spent, or have ceased to be in force otherwise than by express and specific repeal by Parliament, or have, by lapse of time and change of circumstances, become unnecessary, should be expressly and specifically repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Enactments in first schedule repealed.

1. The enactments described in the First Schedule to this Act are hereby repealed, subject to the exceptions and qualifications in the said schedule mentioned:

Savings.

Provided, that where any enactment not comprised in the said schedule has been repealed, confirmed, revived, or perpetuated by any enactment hereby repealed, such repeal, confirmation, revivor, or perpetuation shall not be affected by the repeal effected by this Act;

and the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied, incorporated, or referred to;

nor shall such repeal of any enactment affect any right to any hereditary revenues of the Crown, or affect any charges thereupon, or prevent any such enactment from being put in force for the collection of any such revenues, or otherwise in relation thereto;

and this Act shall not affect the validity, invalidity, effect, or consequences of anything already done or suffered,—or any existing status or capacity,—or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof,—or any release or discharge of or from any debt, penalty, claim, or demand,—or any indemnity,—or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law or equity, or established jurisdiction, form or course of pleading, practice, or procedure, or existing usage, franchise, liberty, custom, privilege, restriction, exemption, office, appointment, payment, allowance, or emolument, notwithstanding that the same respectively may have been in any manner affirmed, recognised, or derived by, in, or from any enactment hereby repealed;

nor shall this Act revive or restore any jurisdiction, office, duty, drawback, fee, payment, franchise, liberty, custom, right, title, privilege, restriction, exemption, usage, practice, procedure, or other matter or thing not now existing or in force;

and this Act shall not extend to repeal any enactment so far as the same may be in force in any part of Her Majesty's Dominions out of the United Kingdom, except where otherwise expressed in the said First Schedule.

Enactments in Second Schedule (repealed by Statute Law Revision Acts, 1873, 1875,) revived.

2. The enactments described in the Second Schedule to this Act, which were repealed by the Statute Law Revision Acts, 1873 and 1875, respectively, are hereby revived as from the respective dates of the repeals thereof; and all proceedings taken under the said enactments respectively since the dates of the respective repeals thereof shall be as valid and effectual as if the said enactments respectively had not been repealed.

Amendment of Statute Law Revision Act, 1875, as to partial repeal of 29 & 30 Vict. c. 118.

3. The Statute Law Revision Act, 1875, shall be read and construed as if in the entry in the schedule to that Act relating to the Act passed in the twenty-ninth and thirtieth years of Her present Majesty, chapter one hundred and eighteen, the words "The First Schedule" had been substituted for the words "The Schedule."

Short title.

4. This Act may be cited as the Statute Law Revision Act, 1878.

SCHEDULES.

The First Schedule, so far as respects Acts of the reign of Queen Anne, refers to the Edition prepared under the direction of the Record Commission, intituled "The Statutes "of the Realm; printed by Command of His Majesty King George the Third, in pur- "suance of an Address of the House of Commons of Great Britain. From original "Records and authentic Manuscripts."

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning, or as forming the end, of the portion comprised in the description or citation.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

ANNE.

6 Anne c. 41. (1) in part.	An Act for the Security of Her Majesties Person and Government and of the Succession to the Crown of Great Britain in the Protestant Line - -	in part; namely,— Section Four, from "for and during" to "above-mentioned," and from "and continue" to the end of that Section. Section Five, from "for and during" to the end of that Section.
c. 53. (2) in part.	An Act for settling and establishing a Court of Exchequer in the North Part of Great Britain called Scotland - - - - - -	in part; namely,— Section Twenty-six. (3)

(1) Chap. 7 in the ordinary editions. (2) Chap. 26 in the ordinary editions.
(3) Sect. 18 in the ordinary editions.

GEORGE III.

53 Geo. 3. c. 155. in part.	*An Act the title of which begins with the words*—An Act for continuing in the East India Company—*and ends with the words*—within the Limits of the said Company's Charter - - - - -	in part; namely,—
	Section Eighty-nine, so far as it relates to the governor of Prince of Wales Island and the recorder there.	
	Repealed as to all Her Majesty's Dominions.	

GEORGE IV.

6 Geo. 4. c. 85. in part.	*An Act the title of which begins with the words*—An Act for further regulating the Payment of the Salaries and Pensions to the Judges of His Majesty's Courts in India—*and ends with the words*—Colonies on the Coast of Coromandel - - - -	in part; namely,—
	Sections Thirteen and Fourteen wholly, and Sections Five, Seven, and Sixteen, so far as they relate to the recorder of the Court of Judicature of Prince of Wales Island.	
	Repealed as to all Her Majesty's Dominions.	
7 Geo. 4. c. 16. in part.	An Act to consolidate and amend several Acts relating to the Royal Hospitals for Soldiers at Chelsea and Kilmainham - - - - - -	in part; namely,—
	Section Three, the word "whether", and the words "or elsewhere."	
9 Geo. 4. c. 58. in part.	*An Act the title of which begins with the words*—An Act to regulate the granting of Certificates—*and ends with the words*—Prevention of such Houses being kept without such Certificate - - - - -	in part; namely,—
	Section Thirty-two.	

WILLIAM IV.

6 & 7 Will. 4. c. 13. in part.	An Act to consolidate the Laws relating to the Constabulary Force in Ireland - - - - -	in part; namely,—
	Section Twenty-nine, from "it shall be lawful for the Lord Lieutenant" to "for all such clerks the sum of eight hundred pounds; and".	

VICTORIA.

2 & 3 Vict. c. 75. in part.	An Act for the better Regulation of the Constabulary Force in Ireland - - - - - -	in part; namely,—
	Section Two, from "and such surgeon shall receive" to the end of that Section.	
3 & 4 Vict. c. 61. in part.	An Act to amend the Acts relating to the general Sale of Beer and Cider by Retail in England - - -	in part; namely,—
	Section Eight, the words "and entering into the usual bond".	
c. 96. in part.	An Act for the Regulation of the Duties of Postage -	in part; namely,—
	Sections Two, Six, Eight to Ten, Seventeen, Thirty-one, and Thirty-two.	
	Section Thirty-three, except so much thereof as defines letters chargeable with postage.	
	Section Thirty-four.	
	Section Thirty-five, the words "according to the scale of weight and number of rates herein-before mentioned".	
	Sections Thirty-nine, Forty-six, Fifty-seven, and Fifty-eight.	
	Section Fifty-nine, from "and that" to the end of that Section.	
	Section Sixty-three.	
	Section Seventy, to "and that".	
	Section Seventy-one, from "the term 'British newspapers'" to "nor liable to stamp duties; and".	
	The Schedule.	
	Repealed as to all Her Majesty's Dominions.	
5 & 6 Vict. c. 95. in part.	An Act for consolidating the Four Courts Marshalsea, Dublin, Sheriffs Prison, Dublin, and City Marshalsea, Dublin, and for regulating the Four Courts Marshalsea in Ireland - - - -	in part; namely,—

5 & 6 Vict.—*cont.*		Section One, the words "subject to the provisions herein-after contained". Section Nine.
c. 106. in part.	An Act to regulate the Irish Fisheries - -	in part; namely,— Section Two. Section Thirty-three, from "and provided also" to the end of that Section.
6 & 7 Vict. c. 32. in part.	An Act to amend the Laws in force relating to Grand Jury Presentments in Counties of Cities and Towns in Ireland - - - - - -	in part; namely,— Sections Fifteen and Twenty-one to Twenty-five.
c. 93. in part.	An Act to amend an Act of the Third and Fourth Years of Her present Majesty, for the Regulation of Municipal Corporations in Ireland - - -	in part; namely,— Section Twenty-six, from "and that all and every" to "as by the said Act required".
7 & 8 Vict. c. 49. in part.	An Act for the better Regulation of Colonial Posts -	in part; namely,— Sections Six and Eight. Repealed as to all Her Majesty's Dominions.
c. 52. in part.	An Act to extend the Powers of the Act for the Appointment and Payment of Parish Constables -	in part; namely,— Section Three.
c. 67.	An Act to transfer the Collection of the Duty on Licences to let Horses for Hire in Ireland from the Commissioners of Stamps to the Commissioners of Excise.	
c. 81. in part.	An Act for Marriages in Ireland; and for registering such Marriages - - - - -	in part; namely,— Section Eighty-two.
c. 83. in part.	An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks - -	in part; namely,— Sections Two, Six, Eight, Thirteen, Sixteen to Eighteen, Twenty-one, and Twenty-three.
c. 90. in part.	*An Act the title of which begins with the words*—An Act for the Protection of Purchasers against Judgments,—*and ends with the words*—Laws in Ireland respecting Bankrupts and the Limitation of Actions	in part; namely,— Section Thirty-one.
c. 91. in part.	An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales - -	in part; namely,— Section Seventy, the words "to the said Commissioners, or, after the said Commission shall have determined", the words "them or" (where they next occur), and the words "or to the said Commissioners".
c. 107. in part.	An Act to regulate and reduce the Expences of the Offices attached to the Superior Courts of Law in Ireland payable out of the Consolidated Fund -	in part; namely,— Section Six, from "in and by an Act passed in the ninth", to "limited time, or". Section Nineteen, the words "and searching". Section Twenty-three.
8 & 9 Vict. c. 64. in part.	An Act to amend certain Regulations respecting the Retail of Spirits in Ireland - - - -	in part; namely,— Section Three.
c. 81. in part.	An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of Dublin	in part; namely,— Section Eight, the words "at the said presenting term" and the word "succeeding".
c. 100. in part.	An Act for the Regulation of the Care and Treatment of Lunatics - - - - - -	in part; namely,— Section Thirty-four. Section Thirty-nine, the words "or under any of the Acts herein-before repealed".

8 & 9 Vict.—*cont.*		
	Section Forty-four, the words "or one of the Acts herein-before repealed".	
	Section Eighty-four, the words "(to be applied as herein-before provided)".	
	Section One hundred and two, from "to be by him" (where those words first occur) to "Commissioners".	
	Section One hundred and six, from "and be by him" (where those words first occur) to "Commissioners".	
	Section one hundred and nine, from "and included" (where those words first occur) to "kept by him" (where those words first occur).	
c. 112. in part.	An Act to facilitate and encourage the granting of certain Leases for Terms of Years in Ireland -	in part; namely,—
	Section One, from "and any such lease" to the end of that Section.	
	Sections Two and Three.	
10 & 11 Vict. c. 85. in part.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office - - - - -	in part; namely,—
	Section Two.	
	Section Three, except so far as relates to colonial postage.	
	Sections Four, Eight, Nine, and Fifteen.	
	Repealed as to all Her Majesty's Dominions.	
11 & 12 Vict. c. 2. in part.	An Act for the better Prevention of Crime and Outrage in certain Parts of Ireland until the First Day of December One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament - - - - - -	in part; namely,—
	The Preamble.	
	Section Fifteen, the words "in the form (A.) in the schedule to this Act annexed contained", and the words "in the form (B.) in the schedule to this Act annexed contained".	
	Section Twenty-one.	
	The Schedule.	
	And so much of the rest of the Act as relates to the posting of proclamations, abstracts, and notices.	
c. 5. in part.	An Act to suspend for Five Years the Operation of certain Parts of an Act of the Tenth Year of Her present Majesty, for making further Provision for the Government of the New Zealand Islands; and to make other Provision in lieu thereof - -	in part; namely,—
	Sections Eight and Nine.	
	Repealed as to all Her Majesty's Dominions.	
c. 21. in part.	An Act to consolidate and amend the Laws relating to Insolvent Debtors in India - - -	in part; namely,—
	Sections Eighty-eight to Ninety.	
	Repealed as to all Her Majesty's Dominions.	
c. 28. in part.	An Act to amend the Laws of Imprisonment for Debt in Ireland, and to improve the Remedies for the Recovery of Debts and of the Possession of Tenements situate in Cities and Towns, in certain cases	in part; namely,—
	Section Fifteen.	
c. 56.	*An Act the title of which begins with the words*—An Act to repeal so much of an Act of the Third—*and ends with the words*—Legislative Assembly of the Province of Canada.	
	Repealed as to all Her Majesty's Dominions.	
c. 92. in part.	An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of Ireland	in part; namely,—
	Section Forty-three.	
c. 113. in part.	An Act for the further Amendment of the Acts relating to the Dublin Police- - - -	in part; namely,—
	Sections Two and Three.	
c. 133.	An Act to amend the Laws relating to Savings Banks in Ireland.	
12 & 13 Vict. c. 48. in part.	An Act to provide for the Administration of Justice in Vancouver's Island - - - - -	in part; namely,—

12 & 13 Vict.—*cont.*	Section Five. Repealed as to all Her Majesty's Dominions.
c. 66. in part.	An Act for enabling Colonial Legislatures to establish Inland Posts - - - - - } in part; namely,— Section Seven. Repealed as to all Her Majesty's Dominions.
c. 91. in part.	An Act to provide for the Collection of Rates in the City of Dublin - - - - - } in part; namely,— Section Thirty, the words "on or before the tenth day of December one thousand eight hundred and fifty, and", the word "succeeding" (wherever it occurs), and the words "on or before the said tenth day of December one thousand eight hundred and fifty, and". Section Thirty-one. Section Thirty-two, the words "on or before the tenth day of December one thousand eight hundred and fifty, and", the word "succeeding" (wherever it occurs), the words "on or before the said tenth day of December one thousand eight hundred and fifty, and" and from "Provided always" to the end of that Section. Section Thirty-three. Section Thirty-five, from "Provided also" to the end of that Section. Section Thirty-seven, the words "on or before the tenth day of December one thousand eight hundred and fifty, and", and the word "succeeding". Section Thirty-nine. Section Forty-one, from "on or before" (where those words first occur) to "same year, and", and the word "succeeding". Sections Forty-two, Forty-three, Eighty-eight, Ninety, and Ninety-one.
c. 92. in part.	An Act for the more effectual Prevention of Cruelty to Animals - - - - - - } in part; namely,— Section Eleven, the words "be licensed as a horse dealer, or", and from "and if" to the end of that Section.
c. 96. in part.	An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the jurisdiction of the Admiralty - - - } in part; namely,— Section Six. Repealed as to all Her Majesty's Dominions.
13 & 14 Vict. c. 15. in part.	An Act to authorize the Establishment of Courts of Appeal for certain of Her Majesty's West India Colonies - - - - - - } in part; namely,— Sections Seven and Eight. Repealed as to all Her Majesty's Dominions.
c. 18. in part.	An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in Ireland - } in part; namely,— Sections Twenty to Twenty-four, Twenty-six, Twenty-eight, and Twenty-nine. Section Thirty-two, from "and such" to the end of that Section.
c. 59. in part.	An Act for the better Government of Her Majesty's Australian Colonies - - - - } in part; namely,— Section Thirty-eight. Repealed as to all Her Majesty's Dominions.
c. 69. in part.	An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in Ireland, and to alter the Law for rating immediate Lessors of Premises to the Poor Rate in certain Boroughs - - - - - - } in part; namely,— Section Twelve, the words "after the said last-mentioned day". Section Twenty-one, the words "after one thousand eight hundred and fifty-one". Section Twenty-five, the words "after one thousand eight hundred and fifty-one". Section Fifty-five, the words "the list of registered voters, or". Section Eighty-five, from "holden" to "fifty-one". Section Eighty-nine, from "holden" to "fifty-one". Section Ninety-two, from "holden" to "fifty-one".

13&14 Vict.–*cont.*		
	Section One hundred and seventeen, from "the expression 'succeeding "year'" to "fifty-one".	
	Schedule (B.), Form No. 4, from "(in the year one thousand eight hundred and fifty-one" to "and together (in every succeeding year)".	
c. 74. in part.	An Act for the better Regulation of the Office of Registrar of Judgments in Ireland - -	in part; namely,—
	Section Five.	
	Section Six, the words "the said duties and".	
c. 89. in part.	An Act to regulate the Proceedings in the High Court of Chancery in Ireland - - - -	in part; namely,—
	Section Thirty-eight, from "Provided also, that nothing" to the end of that Section.	
	Section Forty-two.	
c. 92. in part.	An Act for the more effectual Prevention of Cruelty to Animals in Scotland - - - -	in part; namely,—
	Section Five, the words "be licensed as a horse dealer, or", and from "and if" to the end of that Section.	
14 & 15 Vict. c. 38. in part.	An Act to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls - - -	in part; namely,—
	Section Four, from "and the word 'constable'" to the end of that Section.	
c. 57. in part.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors -	in part; namely,—
	Section Forty-two, from "and shall be entitled" to the end of that Section.	
	Section One hundred and twenty-one, the words "of the said Court for the Relief of Insolvent Debtors, or a Commissioner thereof, or", the words "of the said Court for the Relief of Insolvent Debtors, or", the words "Commissioner or", and the word "Commissioner".	
	Schedule C., the form of sheriff's warrant annexed to form No. 18, the form of sheriff's warrant annexed to form No. 19, and the form of sheriff's warrant annexed to form No. 20.	
	Schedule D. from "*Clerk of the Peace in cases of Insolvents*" to "the "fees specified in section 145 of this Act".	
c. 65. in part.	*An Act the title of which begins with the words*—An Act to continue certain temporary Provisions—*and ends with the words*—for the purposes of Grand Jury Cess and other Purposes - - -	in part; namely,—
	Section Two.	
c. 83. in part.	An Act to improve the Administration of Justice in the Court of Chancery and in the Judicial Committee of the Privy Council - - -	in part; namely,—
	Section Ten.	
c. 85. in part.	An Act further to amend an Act of the Sixth Year of King William the Fourth, to consolidate and amend the Laws relating to the Constabulary Force in Ireland - - - - - -	in part; namely,—
	Section Five.	
16 & 17 Vict. c. 5. in part.	An Act to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Purchase for the Public Use of certain Indexes of Specifications - - - - -	in part; namely,—
	Section One.	
	Section Two, the words "(except in the cases provided for in the fourth section of this Act)".	
	Sections Four and Seven.	
	Section Eight, from "for a sum not exceeding" to "receipt of the Exchequer".	

16&17Vict.–*cont.*		
c. 34. in part.	An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices	in part; namely,—
	Section Twenty-eight, to "less than one hundred pounds a year respectively".	
c. 41. in part.	An Act for making further Provisions with respect to Common Lodging Houses - - - -	in part; namely,—
	Sections Nine, Thirteen, and Fourteen.	
c. 67. in part.	An Act for the better Regulation of Public Houses in Scotland - - - - - -	in part; namely,—
	Section Seventeen, from "The expression 'inn and hotel'" to "travellers".	
c. 70. in part.	An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates - -	in part; namely,—
	Sections Twenty-two and Twenty-three.	
	Section Twenty-four, from "and the secretary" to "the direction of the visitors)".	
c. 89. in part.	An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of Scotland - -	in part; namely,—
	Section Three.	
c. 95. in part.	An Act to provide for the Government of India -	in part; namely,—
	Sections Two to Fourteen, Twenty, Twenty-one, Twenty-five, Twenty-nine to Thirty-one, Thirty-three, and Thirty-four.	
	Section Thirty-five, from "To each ordinary" to "any other office) fifty thousand Company's rupees", and from "Provided always," to the end of that Section.	
	Sections Thirty-six to Forty-three.	
	Repealed as to all Her Majesty's Dominions.	
c. 115. in part.	*An Act the title of which begins with the words*—An Act to amend certain Provisions of the Patent Law Amendment Act, 1852,—*and ends with the words*— and otherwise to amend the said Act - -	in part; namely,—
	Section One.	
	Section Six, the words "whether such expiration has happened before or shall happen after the passing of this Act", the words "whether "the default in such filing has happened before or shall happen after "the passing of this Act", and the words "except in any case that may have arisen before the passing of this Act".	
	Section Seven.	
17 & 18 Vict.c.77. in part.	An Act to provide for the Mode of passing Letters Patent and other Acts of the Crown relating to India, and for vesting certain Powers in the Governor General of India in Council - - -	in part; namely,—
	Section One, from "and every such warrant or writing as aforesaid" to the end of that Section.	
	Sections Two and Six.	
	Repealed as to all Her Majesty's Dominions.	
c. 102. in part.	An Act to consolidate and amend the Laws relating to Bribery, Treating, and undue Influence at Elections of Members of Parliament - - - -	in part; namely,—
	Section Thirty-three.	
c. 104. in part.	An Act to amend and consolidate the Acts relating to Merchant Shipping - - - - -	in part; namely,—
	Section Four hundred and thirty-six, from "and may pay" to the end of that Section.	
18 & 19 Vict.c.53.	An Act to relieve the East India Company from the Obligation to maintain the College at Haileybury.	
	Repealed as to all Her Majesty's Dominions.	
c. 93. in part.	An Act to amend certain Acts relating to the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, and to the Supreme Courts of Judicature in India - - - - -	in part; namely,—
	Sections One to Four.	
	Repealed as to all Her Majesty's Dominions.	

18 & 19 Vict.—*cont.*	
c. 116. in part.	An Act for the better Prevention of Diseases - - in part; namely,— Section Thirteen.
c. 134. in part.	*An Act the title of which begins with the words*—An Act to make further Provision for the more speedy and efficient Despatch—*and ends with the words*—Powers of leasing and sale thereof - - - - in part; namely,— Section Two, so far as it extends and applies the provisions of sections XXIV. and XLIV. of the Act 15 & 16 Vict. c. 80.
21 & 22 Vict. c. 97. in part.	An Act for vesting in the Privy Council certain Powers for the Protection of the Public Health - - in part; namely,— Section Four, from "and the person" to "as aforesaid".
c. 106. in part.	An Act for the better Government of India - - in part; namely,— Sections Five, Eight, and Seventeen. Section Twenty-nine, the words "fourth ordinary member of the Council of the Governor General of India", and from "the appointments of the ordinary members" to "majority of members present at a meeting". Section Thirty-one. Section Forty-two, to "the redemption thereof, and", and from "Provided always" to the end of that Section. Sections Forty-four and Forty-six. Section Fifty-one, from "that where a warrant" to "shall be made; and". Section Sixty, from "and all appointments" to "by Her Majesty"; and from "and the yearly" to the end of that Section. Sections Sixty-six, Sixty-nine, and Seventy. Section Seventy-one, the words "except claims of mortgagees of the Security Fund herein-before mentioned". Sections Seventy-two, Seventy-three, and Seventy-five. Repealed as to all Her Majesty's Dominions.
22 & 23 Vict. c. 22. in part.	An Act to amend the Acts relating to the Constabulary Force in Ireland - - - - - in part; namely,— Section Two, the words "not exceeding one thousand pounds". Section Three, the words "not exceeding the amount herein-after mentioned". Section Five.
23 & 24 Vict. c. 110.	An Act to consolidate the Duties of Customs.
24 & 25 Vict. c. 14. in part.	An Act to grant additional Facilities for depositing small Savings at Interest, with the Security of the Government for due Repayment thereof - - in part; namely,— Section Nine, the words "not later than the thirty-first of March in every year".
c. 21. in part.	An Act for granting to Her Majesty certain Duties of Excise and Stamps - - - - - in part; namely,— Section Three, from "or that the person applying" to the end of that Section.
c. 45. in part.	An Act to facilitate the Formation, Management, and Maintenance of Piers and Harbours in Great Britain and Ireland - - - - - in part; namely,— Section Eighteen, the words "or of the Lords of the Admiralty", and from "or by the Secretary" to the end of that Section.
c. 67. in part.	*An Act the title of which begins with the words*—An Act to make better Provision for the Constitution of the Council of the Governor General of India—*and ends with the words*—Vacancy in the Office of Governor General - - - - - - in part; namely,— Section Three, from "by the Secretary of State" to "meeting". Section Fifty-four. Repealed as to all Her Majesty's Dominions.
c. 104. in part.	An Act for establishing High Courts of Judicature in India - - - - - - in part; namely,— Section Three. Section Five, from "and such of the other judges" to "not transferred from the Supreme Court;".

24&25 Vict.–*cont.*	Section Six, to "except as aforesaid". Repealed as to all Her Majesty's Dominions.	
c. 112. in part.	An Act for the Appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and Saint Alban - - - - - -	in part; namely,—
	Section Ten.	
25&26 Vict. c. 63. in part.	An Act to amend the Merchant Shipping Act, 1854, the Merchant Shipping Act Amendment Act, 1855, and the Customs Consolidation Act, 1853 - -	in part; namely,—
	Section Twenty-three, Sub-section (5).	
26&27 Vict. c. 12. in part.	An Act to abolish the Office of Secretary at War, and to transfer the Duties of that Office to One of Her Majesty's Principal Secretaries of State -	in part; namely,—
	So much of the Schedule as relates to the Acts 53 Geo. 3. c. 81. and 22 & 23 Vict. c. 38.	
c. 88. in part.	An Act to enable Landed Proprietors to construct Works for the Drainage and Improvement of Lands in Ireland - - - - - - -	in part; namely,—
	Section Thirty-eight, from "Provided always," to the end of that Section.	
c. 89. in part.	An Act for the further Amendment of the Law relating to the Removal of poor Persons, Natives of Ireland, from England - - - - -	in part; namely,—
	Section One.	
c. 102.	An Act to reduce the Duty on Rum in certain Cases.	
27&28 Vict. c. 92.	An Act for annexing Conditions to the Appointment of Persons to Offices in the Governing Bodies of certain Public Schools and Colleges.	
28&29 Vict. c. 5. in part.	An Act for the Incorporation of the Territories of British Kaffraria with the Colony of the Cape of Good Hope - - - - - - -	in part; namely,—
	Sections Four to Eighteen, and the Schedule. Repealed as to all Her Majesty's Dominions.	
c. 15. in part.	An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the Territorial Jurisdiction of the said Courts - - - - -	in part; namely,—
	Sections Two and Five. Repealed as to all Her Majesty's Dominions.	
c. 17. in part.	*An Act the title of which begins with the words*—An Act to enlarge the Powers of the Governor General of India—*and ends with the words*—Lieutenant Governorships in India - - - - -	in part; namely,—
	Section Three. Repealed as to all Her Majesty's Dominions.	
29&30 Vict. c. 36. in part.	An Act to grant, alter, and repeal certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto - - - - -	in part; namely,—
	Except Sections Eight and Nine.	
c. 67. in part.	An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia -	in part; namely,—
	Section Nine, and the Schedule. Repealed as to all Her Majesty's Dominions.	
c. 103. in part.	An Act to amend an Act to consolidate the Laws relating to the Constabulary Force in Ireland -	in part; namely,—
	Section Two, from "1. To each county inspector" to "not exceeding one hundred and fifty pounds:" from "6. To each head constable major" to "forty-two pounds eighteen shillings", from "to take effect" to "sixty-six, and", from "to five county inspectors" to "thirty pounds per annum each; and", and from "such increased" to "sixty-six".	
	Section Eight, from "from and after the passing" to "such salaries and".	
	Section Eleven.	

30 & 31 Vict. c. 36. in part.	*An Act the title of which begins with the words*—An Act to authorize the Quarter Sessions of the Peace for the Borough and City of Chester,—*and ends with the words*—Sheriff of the City of Chester - - Except Section Four.	in part; namely,—
c. 105. in part.	An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen The Schedule.	in part; namely,—
c. 122. in part.	*An Act the title of which begins with the words*—An Act for the Application of surplus Fees—*and ends with the words*—Courts of Justice, and for other purposes - - - - - - The Fifth Schedule.	in part; namely,—
31 & 32 Vict. c. 36.	An Act to make perpetual the Alkali Act, 1863.	

THE SECOND SCHEDULE.

ENACTMENTS REVIVED.

GEORGE IV.

9 Geo. 4. c. 58. in part.	*An Act the title of which begins with the words*—An Act to regulate the granting of certificates—*and ends with the words*—prevention of such houses being kept without such certificate - - - Section Two. Section Three, from "Provided always," to the end of that Section. Section Four, from "Provided always," to the end of that Section. Section Eighteen. Section Twenty-three, from "and all such" to the end of that Section. So much of the form in the Schedule, designated by the letter A., as prescribes the form of deliverance at the end of each day's register. So much of the form in the Schedule, designated by the letter D., as prescribes the form of a warrant of imprisonment, and the note to that form.	in part; namely,—
10 Geo. 4. c. 44. in part.	An Act for improving the Police in and near the Metropolis - - - - - Section Nine.	in part; namely,—

VICTORIA.

8 & 9 Vict. c. 100. in part.	An Act for the Regulation of the Care and Treatment of Lunatics - - - - - - So much of Sections Ninety-nine and One hundred and five as was repealed by the Statute Law Revision Act, 1875.	in part; namely,—
9 & 10 Vict. c. 115. in part.	*An Act the title of which begins with the words*—An Act to amend the Laws as to District Lunatic Asylums in Ireland;—*and ends with the words*—Inspector of Lunatics in Ireland - - - - Section Two, except so much thereof as was repealed by 18 & 19 Vict. c. 109. s. 4. Section Three.	in part; namely,—
16 & 17 Vict. c. 67. in part.	An Act for the better Regulation of Public Houses in Scotland - - - - - - Section Eleven, to "contained in the said Schedule". Section Twelve. So much of the Schedule as prescribes the form of the register of applications.	in part; namely,—

APPENDIX AND INDEX.

CONTENTS.

1. Table of the Titles of the Local and Private Acts passed during the Session.

2. List of the Local and Private Acts, arranged in Classes.

3. Tables showing the Effect of the Year's Legislation.

4. Index to the Public General Statutes.

TABLE

OF

The TITLES of the LOCAL and PRIVATE ACTS passed during the Session.

LOCAL ACTS.

The Titles to which the letter **P.** *is prefixed are Public Acts of a Local Character.*

i. AN Act to amend an Act passed in the ninth year of the reign of His late Majesty King George the Fourth, chapter sixty-two, so far as the same relates to the Linen and Yarn Halls in the City of Dublin.

ii. An Act to enable the Brighton Aquarium Company to raise additional Capital.

iii. An Act for amending the Royal Bank of Scotland Officers Widows Fund Act, 1870.

iv. An Act for rendering valid certain Letters Patent granted to Lewis Augustus Aspinwall for "a new or improved implement for planting Potatoes."

v. An Act for the abandonment of the Railway authorised by the Birkenhead, Chester, and North Wales Railway Act, 1873.

vi. An Act for the abandonment of the Undertaking of the Bodmin and Wadebridge and Delabole Railway Company; and for other purposes.

vii. An Act for the abandonment of the Cornwall Mineral and Bodmin and Wadebridge Junction Railway; and for other purposes.

viii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Bristol, the Rural Sanitary District of Chester-le-Street Union, the Local Government District of Finchley, the Rural Sanitary District of the Newbury Union, and the Local Government Districts of Wallasey and West Derby.

ix. An Act to confer additional powers upon the Hartlepool Gas and Water Company.

x. An Act for incorporating "The Brading Harbour District Gas Company," and enabling them to construct Gasworks and light with Gas parts of the parishes of Brading and Saint Helen's, in the Isle of Wight, in the county of Southampton.

xi. An Act to confer further powers upon the Company of Proprietors of the Deal Waterworks; to authorise the Company to raise additional Capital; and for other purposes.

xii. An Act to confirm an agreement between the Serle Street and Cook's Court Improvement Company and the Royal Insurance Company; and for other purposes.

xiii. An Act to extend the time granted to the Swindon, Marlborough, and Andover Railway Company for the completion of certain railways and works; and for other purposes.

xiv. An Act to dissolve and re-incorporate the Sevenoaks Waterworks Company, Limited, and to extend their Limits of Supply; and for other purposes.

xv. An Act to authorise an extension of time for the completion of the Bala and Festiniog Railway.

xvi. An Act to enable the Corporation of Dublin to construct additional Waterworks; and for other purposes.

xvii. An Act for granting further powers to the Imperial Continental Gas Association.

xviii. An Act for conferring further powers on the Farnworth and Kearsley Gas Company for the purchase of land, the construction of works, the raising of money, and otherwise in relation to their undertaking.

xix. An Act to provide for the sale and removal of the Chapel of Saint John's Hospital, in the parish of Saint Lawrence in the city of Exeter, and the application of the purchase money to arise from such sale; and for other purposes.

xx. An Act for extending the time for the completion of the Newent Railway; and for other purposes.

xxi. An Act for extending the time for the completion of the Railway No. 3 authorised by the Ross and Ledbury Railway Act, 1873; and for other purposes.

xxii. An Act to enable the London and Saint Katharine Docks Company to raise further money.

xxiii. An Act to enable the Legal and General Life Assurance Society to sue and be sued in the name of a public officer, and to make provision as to the vesting of the funds and property of the Society in the trustees from time to time of the Society; and for other purposes.

xxiv. An Act to authorise the Charnwood Forest Railway Company to divert portions of their authorised lines; and for other purposes.

xxv. An Act for the abandonment of the Nettlebridge Branch Railway authorised by the Somerset and Dorset Railway Act, 1873; and for other purposes.

xxvi. An Act for conferring further powers on the Torquay Gas Company.

xxvii. An Act to amend the Batley Corporation Waterworks Act, 1871, and other Acts affecting the Corporation of Batley; and for other purposes.

xxviii. An Act for reviving the powers and extending the time for the completion of a portion of the Railway and Works authorised by the Isle of Wight (Newport Junction) Railway Act, 1872; and for other purposes.

xxix. An Act to authorise Edward Cecil Guinness to construct certain Tramways in the City of Dublin; and for other purposes.

xxx. An Act for authorising the Manchester, Sheffield, and Lincolnshire Railway Company to make a new Branch Railway and other works; for conferring upon them additional powers; and for other purposes.

xxxi. An Act for empowering the West Lancashire Railway Company to provide and use Steam and other Vessels; and for other purposes.

xxxii. An Act to confer further powers on the Commissioners acting in the execution of "An Act for draining and preserving certain fen lands and low "grounds in the parish of Wiggenhall Saint Mary Magdalen, in the county of "Norfolk; and other purposes."

xxxiii. An Act to provide for the cancelling of bond entered into under the Cannock Chase Railway (Extension) Act, 1862.

xxxiv. An Act to extend the powers of the Shrewsbury Gaslight Company.

xxxv. An Act to revive and extend the powers of the Cleveland Extension Mineral Railway Company.

xxxvi. An Act for authorising the East Norfolk Railway Company to raise further money for their main line, for constituting their Aylsham Extension capital a separate capital, for the abandonment of their Wroxham Quay Branch and for other purposes.

xxxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Abingdon, the Rural Sanitary District of the Abingdon Union, the Local Government Districts of Brampton and Walton, Buxton, and Dalton-in-Furness, the Rural Sanitary District of the Headington Union, the City of Lincoln, the Rural Sanitary District of the Loughborough Union, the Local Government District of Newtown and Llanllwchaiarn, the Boroughs of Saint Helens and Southport, and the City of Worcester.

xxxviii. An Act to confirm two Provisional Orders under the Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same, relating to "Ward River and River Suck Drainage Districts."

xxxix. An Act to amend the Borrowstounness Town and Harbour Act, 1875; to constitute a new Harbour Commission; and for other purposes.

xl. An Act to enable the Great Yarmouth and Stalham (Light) Railway Company to construct a new Railway and other works; and for other purposes.

xli. An Act for incorporating the Marske and Saltburn Gas Company, and authorising them to supply with Gas certain parts of the Parish of Marske in the North Riding of the County of York, and to amalgamate with the Redcar and Coatham Gas Company; and for other purposes.

xlii. An Act to provide for the better care and management of Closed Burial Grounds in the borough of Birmingham; and for other purposes.

xliii. An Act for extending the district within which the York United Gaslight Company may supply gas, for empowering them to construct additional works and to raise additional capital; and for other purposes.

xliv. An Act to extend the time for the completion of the works authorised by the Truro Water Act, 1875.

xlv. An Act for granting further powers to the Nottingham Waterworks Company.

xlvi. An Act for extending the time limited by the Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1873, and the Pegwell Bay Reclamation and Sandwich Haven Improvement (Amendment) Act, 1876, for the purchase of land and the completion of works.

xlvii. An Act to authorise the Trustees of the Clyde Navigation to construct Ferry Works and establish a Ferry at Stobcross, in the Harbour of Glasgow, to levy and alter rates, and to borrow money; and for other purposes.

xlviii. An Act to re-incorporate with further powers the Lewes Gaslight Company.

xlix. An Act to dissolve the Lea Bridge District Gaslight and Coke Company, Limited, and to re-incorporate the same Company with powers to supply Gas in the parish of Walthamstow and part of the parish of Leyton.

l. An Act to enable the Scarborough Waterworks Company to extend their limits of supply, construct new works; and for other purposes.

li. An Act to enable the Pacific Steam Navigation Company to reduce their Capital and to invest Moneys; and for other purposes.

lii. An Act to incorporate the Preston Tramways Company, and to authorise the construction of Tramways in the Borough of Preston and the adjacent Township of Fulwood, both in the County of Lancaster; and for other purposes.

liii. An Act for the amalgamation of the Scottish Union Insurance Company and the Scottish National Insurance Company, and for the incorporation of the amalgamated Companies by the name of "The Scottish Union and National Insurance Company;" and for other purposes.

liv. An Act to authorise the Hull Street Tramways Company to raise additional Capital to increase the number of Directors of the Company; and for other purposes.

lv. An Act to provide for the appointment and remuneration of separate Stipendiary Justices for the division of Manchester, in the county of Lancaster, and for the borough of Salford, in the same county; and for other purposes.

P. lvi. An Act to confirm certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Bognor Gas, Dysynni Gas, Elland Gas, Formby Gas, Godalming Gas, Greenhithe Gas, Sandown Gas, Shanklin Gas, Weston-super-Mare Gas, Alcester Water, Cuckfield, Haywards-Heath, and Lindfield Water, Fowey Water, Frith Hill, Godalming, and Farncombe Water, Holywell and District Water, Newquay Water, Norwood (Middlesex) Water, Wokingham Water, Hoylake and West Kirby Gas and Water, New Tredegar Gas and Water, and Walton-on-the-Naze Gas and Water.

P. lvii. An Act to confirm certain Provisional Orders of the Local Government Board under the Provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law.

P. lviii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Mickleover, in the county of Derby, to put in force, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

lix. An Act for authorising the transfer to the Bristol Port and Channel Dock Company of the undertaking of the Bristol Port and Channel Dock Warehouse Company (Limited); for making further provision as to the Capital of the first-mentioned Company; and for other purposes.

lx. An Act to confer powers on the Lord Provost, Magistrates, and Council of the city of Glasgow with respect to Public Parks, Museums, and Galleries in the said city; and for other purposes.

lxi. An Act for extending the limits of the Town of Burton-upon-Trent Act, 1853; for incorporating the Commissioners under that Act; for enabling them to construct Flood Embankments, Gasworks, Cemetery, and Markets; and for other purposes.

lxii. An Act for empowering the Local Board for the District of Westhoughton, in the county of Lancaster, to provide their district with a supply of Water; and for other purposes.

lxiii. An Act to authorise the Local Board for the District of Dalton-in-Furness to purchase so much of the Gas Undertaking of the Mayor, Aldermen, and Burgesses of the Borough of Barrow-in-Furness as relates to the supply of Gas within the District of the Board; to purchase the Dalton Gasworks; to erect Gasworks and to manufacture and supply Gas within their District; to make improvements of Streets; to define and extend the powers of the Board in relation to the improvement of the District; and for other purposes.

lxiv. An Act to confer powers on the Forth Bridge Railway Company, and on the North British, the Midland, the North-eastern, and the Great Northern Railway Companies, with reference to the Forth Bridge Railways; and for other purposes.

lxv. An Act for authorising the making of a New Street in continuation of Pall Mall and Ray Street, in the borough of Liverpool; and for other purposes.

lxvi. An Act to extend the limits of supply of the South Hants Waterworks Company, and to enable them to raise additional Capital.

lxvii. An Act for incorporating a Company for supplying with Water and Gas parts of the parishes of Bedwellty, in the county of Monmouth, and Llangunnyder, otherwise Llangynnider, in the county of Brecon, and for other purposes.

lxviii. An Act to vest Conway Bridge in Commissioners, to provide for the Maintenance and Repair thereof, the Reduction of the Tolls, and for other purposes.

lxix. An Act to provide for the improvement and disposal of the Common Lands of Govan in the county of Lanark, and the application of the prices thereof; and for other purposes.

lxx. An Act to authorise the Trustees of the Port and Harbour of Alloa to borrow additional Money; and for other purposes.

lxxi. An Act for the Enlargement and Improvement of the Harbour of Newhaven in Sussex, and for the Construction of a Dock and other Works there.

lxxii. An Act to enable the London, Brighton, and South Coast Railway Company to complete and construct Railways between Croydon, Oxted, and East Grinstead, and to acquire the Lewes and East Grinstead Railway; to confer powers on the South-eastern Railway Company; and for other purposes.

lxxiii. An Act to empower the Local Boards of Health for the Districts of Cockermouth and Workington, and the Cockermouth Union Rural Sanitary Authority, in the county of Cumberland, to take water from Crummock Lake for supply within their respective Districts; and for other purposes.

lxxiv. An Act to confer further powers upon the London, Brighton, and South Coast Railway Company, and to enable them to purchase the Hayling Bridge and Causeway.

lxxv. An Act for authorising the Corporation of Scarborough to purchase the Undertaking of the Scarborough Waterworks Company, and to supply with Water the Borough of Scarborough, and other places; and for other purposes.

lxxvi. An Act for incorporating the East Grinstead Gas and Water Company; and for other purposes.

lxxvii. An Act to authorise the Rhondda Valley and Hirwain Junction Railway Company to abandon certain of their authorised Railways; to lease so much of their Railway as has been constructed to the Taff Vale Railway Company; to reduce the capital of the Company; and to regulate their affairs.

lxxviii. An Act for dissolving the Hemel Hempsted and Boxmoor Gas and Coke Company (Limited) and the Boxmoor, Two Waters, and Crouchfield Gas and Coke Company (Limited), and incorporating the shareholders of those Companies into a company for supplying gas to Hemel Hempsted and certain neighbouring places in the county of Hertford; and for other purposes.

lxxix. An Act to provide for the erection of Municipal Buildings in the city of Glasgow; and for other purposes.

lxxx. An Act to enable the Local Board for the district of Bedlingtonshire in the county of Northumberland to acquire water rights for the purposes of their water undertaking.

lxxxi. An Act to vary and amend the provisions of the South Staffordshire Mines Drainage Act, 1873.

lxxxii. An Act to sanction certain proceedings of the Blackpool Pier Company (Limited) with reference to the construction of works, and to dissolve and re-incorporate and confer further powers on the Company; and for other purposes.

lxxxiii. An Act to alter the Constitution of the Llanelly Harbour and Burry Navigation Commissioners; to enable them, with the consent of the Local Board for the District of the Borough of Llanelly, to raise Moneys; to amend the Law relating to the said Local Board; and for other purposes.

lxxxiv. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of Clitheroe, in the county of Lancaster, to acquire the Undertakings of the Clitheroe Gas Company and the Clitheroe Waterworks Company; to construct additional Waterworks; to erect a Market: to widen and improve the Streets of the said Borough; and for other purposes.

lxxxv. An Act for the abandonment of the Railways authorised by the Nettlebridge Valley Railway Act, 1874; and for other purposes.

lxxxvi. An Act for conferring on the Tees Conservancy Commissioners further powers in relation to the borrowing of money and the levying of tolls, rates, and dues; and for other purposes.

lxxxvii. An Act for making a Railway from the Great Northern Railway to Market Deeping; and for other purposes.

lxxxviii. An Act to provide for the closing of the undertaking of the Company of Proprietors of the Navigation from Sleaford Castle Causeway to the River Witham in the county of Lincoln, and for the dissolution of the Company; and for other purposes.

lxxxix. An Act for making a Railway from Stranraer to New England Bay, in the county of Wigtown; and for other purposes.

xc. An Act to authorise the Great Eastern Railway Company to raise capital for carrying into effect an arrangement with the Great Northern Railway Company with respect to an extension of their system to the railways of several other companies in Lincolnshire and Yorkshire; and for other purposes.

xci. An Act for enabling the Mayor, Aldermen, and Burgesses of the borough of Nottingham to construct additional Gasworks; to make a New Road; and for other purposes.

xcii. An Act to empower the Southport Waterworks Company to construct additional Works, to extend their Limits of Supply, to raise additional Capital, to amend and enlarge the provisions of the Southport Waterworks Act, 1854, the Southport Waterworks Act, 1856, the Southport Waterworks Act, 1867, and the Southport Waterworks Act, 1870; and for other purposes.

xciii. An Act to provide for the winding up of the Merrybent and Darlington Railway.

xciv. An Act to authorise the construction of Tramways in the Burgh of Dundee, and for the transference of the Turnpike Roads within the Burgh to the Police Commissioners, and the abolition of Tolls; and for other purposes.

xcv. An Act for vesting in the Furness Railway Company jointly with the London and North-western Railway Company the Whitehaven, Cleator, and Egremont Railway; and for other purposes.

xcvi. An Act for conferring additional powers on the Midland Railway Company for the construction of railways and other works, the acquisition of lands, and the raising of capital, and for vesting in them the undertaking of the Stonehouse and Nailsworth Railway Company; for conferring powers on the Sheffield and Midland Railway Companies Committee for the acquisition of a private railway and additional lands; and for other purposes.

xcvii. An Act to confer further powers upon the Wigan Junction Railways Company; to authorise the Manchester, Sheffield, and Lincolnshire Railway Company to subscribe to the undertaking of and to enter into arrangements with the Wigan Junction Railways Company; and for other purposes.

xcviii. An Act to enable the Great Northern Railway Company to extend their Railway from Spalding to Lincoln; and for other purposes.

xcix. An Act to revive the powers and extend the periods for the compulsory purchase of Lands and for the Construction of the Railway authorised by the Staines and West Drayton Railway Act, 1873.

c. An Act to extend the Municipal Boundaries of the City of Glasgow; and for other purposes.

ci. An Act for empowering the London and North-western Railway Company to construct a new Railway, and to widen a portion of an existing Railway, in the West Riding of the county of York; and for other purposes.

cii. An Act for improving and maintaining the Harbour of Fraserburgh.

ciii. An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Paisley.

civ. An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Poor Law Amendment Act, 1867, relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and certain Orders of the Local Government Board under the provisions of the Divided Parishes and Poor Law Amendment Act, 1876, relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence.

cv. An Act to confirm certain Provisional Orders of the Local Government Board under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Boroughs of Devonport and Newcastle-upon-Tyne.

cvi. An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to the burgh of Lochgelly, in the county of Fife.

cvii. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for Portsmouth to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

cviii. An Act to confirm a Provisional Order of the Local Government Board for Ireland under the provisions of the Artizans and Labourers Dwellings Improvement Act, 1875, relating to the Borough of Cork.

cix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Belper Union, the Borough of Burnley, the Rural Sanitary District of the Chesterfield Union (two) the Local Government District of Ilkeston, the Improvement Act District of Lytham, the Port of Milford, the Local Government District of Rhymney, the Rural Sanitary District of the Rugby Union, the Local Government District of Ryton, the Rural Sanitary District of the Saint Asaph Union, the Port of Sunderland, the Borough of Swansea, and the Local Government District of Tunbridge Wells.

cx. An Act to confirm certain Provisional Orders made by the Education Department under the Elementary Education Act, 1870, to enable the School Boards for Birmingham, Lewannick (Cornwall), and Mold (Flint) to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

cxi. An Act to confirm a Provisional Order made by the Education Department under the Elementary Education Act, 1870, to enable the School Board for London to put in force the Lands Clauses Consolidation Act, 1845, and the Acts amending the same.

cxii. An Act to confirm certain Provisional Orders of one of Her Majesty's Principal Secretaries of State for the Improvement of certain Unhealthy Areas within the Metropolis.

cxiii. An Act to confirm the Provisional Order for the inclosure of certain Lands situated in the parish of Orford, in the county of Suffolk, in pursuance of a report of the Inclosure Commissioners for England and Wales.

cxiv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Auchenlochan (Kyles of Bute), Carrick Castle (Loch Goil), Conway, Falmouth, Filey, Folkestone, Hythe (Southampton), Margate, Plymouth, Port Seton, Sea View (Isle of Wight), Shanklin, Southend, South Uist, and Walton-on-the-Naze.

cxv. An Act to confirm certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Ardglass, Boddam, Lochmaddy, Montrose, Southsea, and Youghal.

P. **cxvi.** An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Town of Dungarvan and to the Burial Grounds of Barnahely and Templerobin in the County of Cork, and to the Town of Tralee, and to Waterworks in the Town of Tralee.

cxvii. An Act for empowering the Ballymena, Cushendall, and Redbay Railway Company to make certain new Railways; to acquire additional Lands; to divide their Shares; and for other purposes.

cxviii. An Act to empower the Belfast and Northern Counties Railway Company to construct a Loop Line of Railway; to subscribe a further sum to the Undertaking of the Ballymena, Cushendall, and Redbay Railway; to purchase additional Lands; and for other purposes.

cxix. An Act to authorise the Local Board of Health for the district of Bangor in the county of Carnarvon, to acquire the undertaking of the Bangor Water and Gas Company, and to supply the parishes of Bangor, Llandegai, and Llanllechid with water, and the parishes of Bangor and Llandegai with gas; and for other purposes.

cxx. An Act to extend the powers of the Corporation of the Borough of Jarrow in the county of Durham, with respect to the Local Government and Improvement of the Borough; and for other purposes.

cxxi. An Act for preventing and repressing Juvenile Delinquency in the city of Glasgow.

cxxii. An Act to transfer to the Town Commissioners of Newry the undertaking of the Newry Gas Consumers Company, Limited.

cxxiii. An Act to amend the Acts relating to the Southern Railway Company with respect to the raising of Capital and the time for the completion of the authorised Railways and Works of the Company.

cxxiv. An Act to confer further powers on the Waterford and Central Ireland Railway Company with respect to their separate and original undertakings and for other purposes.

cxxv. An Act authorising the construction of a Bridge over the River Taff at Cardiff, and of certain approach and other roads in connexion therewith; the levying of tolls; and for other purposes.

cxxvi. An Act for authorising the sale or lease to the London and South-western Railway Company of the Undertaking of the Staines, Wokingham, and Woking Railway Company, or the amalgamation of the two Undertakings; to make further provision with respect to the sale or transfer of the Salisbury and Yeovil Railway to the London and South-western Railway Company; and for other purposes.

cxxvii. An Act to enable the Corporation of London to acquire and hold and manage as open spaces Lands in the neighbourhood of London; and for other purposes.

cxxviii. An Act for making provisions as to the application of the money deposited in respect of the application to Parliament for the Bradford Tramways Act, 1873, and for relieving the Bradford Tramways Company from liability in respect of the non-construction of their authorised Tramways.

cxxix. An Act to authorise the Cleator and Workington Junction Railway Company to extend their authorised Railway to the Rowrah and Kelton Fell Mineral Railway; and for other purposes.

cxxx. An Act to empower the Manchester South Junction and Altrincham Railway Company to widen and improve a portion of their Railway, and to acquire lands for the purposes thereof, and to raise additional Capital, and to empower the London and North-western and the Manchester, Sheffield, and Lincolnshire Railway Companies to contribute such capital; and for other purposes.

xxxi. An Act for empowering the Mayor, Aldermen, and Burgesses of the borough of Stoke-upon-Trent, in the county of Stafford, and the Local Board of Fenton, in the same county, to make and supply Gas; and for carrying into effect an Agreement with the Stoke, Fenton, and Longton Gas Company for the purchase of that Company's undertaking; and for other purposes.

xxxii. An Act to vest in the Mayor, Aldermen, and Burgesses of the borough of Leicester the Undertakings of the Leicester Gas Company and the Leicester Waterworks Company; and for other purposes.

xxxiii. An Act to enable the Mayor, Aldermen, and Burgesses of the borough of Bradford, in the west riding of the county of York, to construct and maintain additional works for the storage and supply of Water; to enlarge the time for completing waterworks already authorised; to construct and maintain additional works for the storage and supply of Gas; to effect public improvements; and for other purposes.

xxxiv. An Act to enable the Grand Junction Waterworks Company to raise further moneys, and to amend in certain respects the Acts relating to that Company.

xxxv. An Act for incorporating and conferring Powers on the Lichfield Gas Company.

xxxvi. An Act for extending the limits of supply of the Trowbridge Water Company, and for authorising the Company to construct further works, and to raise further money; and for other purposes.

xxxvii. An Act for extending the Municipal and Police Boundaries of the burgh of Hamilton in the county of Lanark; for authorising the making of new streets, the improvement of existing streets, and the construction of additional waterworks; for providing for the improvement and good government of the burgh; for regulating the supply of gas and water thereto; and for other purposes.

xxxviii. An Act for enabling the Great Southern and Western Railway Company to construct a new or substituted Railway at Cork; to acquire additional Lands for the purposes of their undertaking; to raise and widen certain of their Bridges; to reduce the number of Directors; and for other purposes.

xxxix. An Act for making a railway between the town of Limavady, in the county of Londonderry, and the town of Dungiven, in the same county; and for other purposes.

xl. An Act to authorise the North British Railway Company to make several railways in the counties of Forfar and Lanark, to widen parts of their Glasgow and Coatbridge and Peebles Railways, to acquire additional lands for station purposes, to advance money for the purposes of the Borrowstounness Town and Harbour Act, 1875; to make further provision with respect to the Consolidation of Lien Stocks; and for other purposes.

xli. An Act for incorporating the Manchester Suburban Tramways Company, and for empowering them to construct Tramways in the neighbourhood of Manchester; and for other purposes.

xlii. An Act for the abandonment of one of the Railways authorised by the Taff Vale Railway Act, 1873, and for the extension of time for the completion of certain other of the railways thereby authorised.

xliii. An Act to extend the time limited for the compulsory purchase of lands and completion of the Railway and Works authorised by the Ramsey and Somersham Junction Railway Act, 1875; and for other purposes.

xliv. An Act for empowering the Cardiff Waterworks Company to construct additional Works and to raise additional Capital; and for other purposes.

cxlv. An Act for effecting a transfer to the Metropolitan Board of Works of the open spaces known as Plumstead Common and Shoulder-of-Mutton Green, and for enabling them to preserve, improve, and regulate the same, and to erect a lodge upon Blackheath.

cxlvi. An Act to enable the Neath Harbour Commissioners to raise further Capital, to authorise and confirm Agreements between them and the Corporation of Neath, and the Great Western, the South Wales Mineral, and the Neath and Brecon Railway Companies; and for other purposes.

cxlvii. An Act to amend the Swansea Improvements and Tramways Act, 1874, and to confer further powers upon the Swansea Improvements and Tramways Company; and for other purposes.

cxlviii. An Act to revive and extend the powers of the Clare Slob Land Reclamation Company; and for other purposes.

cxlix. An Act to empower the Dublin Tramways Company to construct further new Tramways; and for other purposes.

cl. An Act for making a Railway from the Stobcross Railway to Yoker and Clydebank, with branches therefrom; and for other purposes.

cli. An Act to confer further Powers on the Great Northern Railway Company.

clii. An Act to confer further Powers on the Dudley and Oldbury Junction Railway Company.

cliii. An Act to amend the Maryport Improvement and Harbour Act, 1866, the Maryport District and Harbour Act, 1868, the Maryport District and Harbour (Gas) Act, 1877, to empower the Trustees to establish and maintain Markets and for other purposes.

cliv. An Act to enable the Metropolitan District Railway Company to extend their Railway to the Thames at Fulham; and for other purposes connected with the said Company.

clv. An Act for authorising the Great Eastern Railway Company to execute additional Works and to enter into various Agreements, and for conferring on them further Powers in relation to their Undertaking and Capital and the Undertakings of other Companies and parties; for amending their Acts in various particulars; and for other purposes.

clvi. An Act to authorise the transfer of the Canal Property of the Bradford Canal Company, Limited, to the Company of Proprietors of the Canal Navigation from Leeds to Liverpool and the undertakers of the Aire and Calder Navigation; and for other purposes.

clvii. An Act for the formation and improvement of Drumcondra, Clonliffe, and Glasnevin township, comprising the districts of Drumcondra, Clonliffe, and Glasnevin, in the barony of Coolock and county of Dublin; and for other purposes.

clviii. An Act to authorise the construction of Tramways in and near the city of Dublin; and for other purposes.

clix. An Act to authorise the construction of Tramways in and near the city of Dublin, and in the county of Dublin; and for other purposes.

clx. An Act to give effect to the purchase by the Corporation of Limerick of the undertaking of the Limerick Gas Company; to enable the Corporation to borrow money and to levy rates; and for other purposes.

clxi. An Act for incorporating and conferring powers on the Normanton Gas Company.

P. **clxii.** An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bournemouth, the Local Government District of Brotton, the Boroughs of Haverfordwest (two) and Liverpool, the Improvement Act District of Llandudno, the Local Government

District of Lofthouse, the Lower Thames Valley Main Sewerage District, the Improvement Act District of Middleton and Tonge, the Local Government Districts of Pemberton, Romford, and Tyldesley-with-Shakerley (two), the Borough of Wakefield, the Improvement Act District of West Hartlepool, the Borough of Wigan, and the Local Government Districts of Wilmslow and Workington.

lxiii. An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Cardiff Tramways (Extensions), Manchester Corporation Tramways, Manchester Suburban Tramways, and Oldham Borough Tramways.

lxiv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Rural Sanitary District of the Abergavenny Union, the Improvement Act District of Bradford (Wilts), the Local Government District of Brigg, the Boroughs of Brighton and Cheltenham, the Local Government District of Ebbw Vale, the Improvement Act District of Leek, the Boroughs of Liverpool and Preston, the Local Government District of St. Columb, the Borough of Tiverton (two), the Local Government District of Tredegar, and the Special Drainage District of Washington.

lxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Local Government District of Dawlish, the Rural Sanitary District of the Shardlow Union, and the Borough of Wigan.

lxvi. An Act for authorising the Commissioners of Her Majesty's Treasury to compound the Debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto.

lxvii. An Act for authorising the Callander and Oban Railway Company to construct a Branch Railway to Oban Bay, with a Quay and Sea Wall and a Road there; and to make near Loch Awe a deviation of their authorised Railway; and to abandon the authorised Branch to Oban Bay and the authorised Pier there, and the portion of line for which the said deviation will be substituted; for extending the time for the completion of the main line between Dalmally and Oban; and for other purposes.

lxviii. An Act for incorporating the Cheadle Railway Company, and authorising them to make and maintain the Cheadle Railway; and for other purposes.

lxix. An Act to empower the Radcliffe and Pilkington Gas Company to acquire additional Lands, and to raise further Moneys.

lxx. An Act to empower the Exeter Gaslight and Coke Company to acquire further Lands for the Extension of their Works, and to raise additional Capital; and for other purposes.

lxxi. An Act to confer further Powers upon the South Staffordshire Waterworks Company; and for other purposes.

lxxii. An Act for effecting the sale and transfer to the Local Board for Sutton-in-Ashfield, in the county of Nottingham, of the undertaking of the Sutton-in-Ashfield Gaslight and Coke Company; and for other purposes.

lxxiii. An Act for enabling the Caledonian Railway Company to make certain Railways and other Works, and to acquire certain lands, in the Counties of Lanark, Renfrew, Stirling, Perth, and Forfar, to abandon certain authorised Railways in Lanarkshire, and to raise additional money; for extending the periods allowed to that Company by former Acts for acquiring certain lands and completing certain works in Lanarkshire and Renfrewshire, and selling superfluous lands; and for other purposes.

lxxiv. An Act for incorporating the Chester Tramways Company, and for empowering them to construct Tramways in the City of Chester; and for other purposes.

clxxv. An Act to authorise a sale of the Bury and Thetford Railway to th Great Eastern Railway Company, and agreements between that Company an certain neighbouring Companies; and for other purposes.

clxxvi. An Act for conferring further powers on the Lancashire and Yorkshi Railway Company with relation to their undertaking; and for other purpose

clxxvii. An Act to amend the Brecon Markets Act, 1862; and for oth purposes.

clxxviii. An Act for making certain railways between the town of Magherafe in the County of Londonderry, and Draperstown, in the same county; and f other purposes.

clxxix. An Act for extending the boundaries of the borough of East Retfor to enable the Corporation thereof to acquire the undertaking of the Retfo Gas and Coke Company; and for other purposes.

clxxx. An Act to authorise the construction of New Streets and other Wor in the borough of Belfast, and to make further provision for the improveme and government of the borough; and for other purposes.

clxxxi. An Act for conferring further powers on the London and North-weste Railway Company in relation to their own Undertaking and the Undertakin of other Companies; for conferring on the London and North-western Railw Company and other Companies further powers in relation to their Joint Und takings; for making provision for the Completion of a certain Work authoris by the Rhyl Improvement Act, 1872; for transferring to the London a North-western Railway Company a portion of the Undertaking of the Gr Northern Railway Company (Ireland); for transferring to the Dundalk, New and Greenore Railway Company certain of the powers of the Greencastle a Kilkeel Railway and Pier Act, 1876; and for other purposes.

clxxxii. An Act for empowering the London and North-western Railw Company to make new railways and widen portions of existing railways, a execute other works, and to acquire additional lands in the counties of Bu ingham, Warwick, Chester, and Lancaster; and for other purposes.

clxxxiii. An Act to confer powers upon the Metropolitan Railway Compa with respect to the Hammersmith and Richmond Railway; to constitute t Kingsbury and Harrow Railway a separate undertaking; to make provision disposing of sewage and water from engines; and for other purposes.

clxxxiv. An Act for extending the boundaries of the borough of Newbury, the county of Berks; for empowering the Corporation to acquire the undertaki of the Borough of Newbury Gaslight and Coke Company; and for otl purposes.

clxxxv. An Act to authorise the Weston-super-Mare Improvement Comm sioners to supply Water within the Urban Sanitary District of Weston-sup Mare and within the parishes of Uphill, Kewstoke, and Worle, in the county Somerset, to purchase the undertaking of the Weston-super-Mare Waterwo Company; and for other purposes.

clxxxvi. An Act to extend the period limited by the Dover and Deal Railw Act, 1874, as extended by the Dover and Deal Railway Act, 1877, for t compulsory purchase of Lands authorised to be taken by the first-mentio Act.

clxxxvii. An Act for incorporating and conferring powers on the Castleford a Whitwood Gaslight and Coke Company.

clxxxviii. An Act to authorise the construction of a Bridge over certain r ways near the western end of Cromwell Road, Kensington, with roads a approaches in connexion therewith.

lxxxix. An Act to enable the Dublin, Wicklow, and Wexford Railway Company to construct a railway to the city of Waterford and certain branch railways and other works, and to confer further powers on the Company with reference to their Undertaking; and other purposes.

xc. An Act for empowering the Mayor, Aldermen, and Citizens of the City and County of the City of Exeter to acquire the undertakings of the Exeter Water Company, and of the Dartmoor and Exeter Water Supply Company, Limited, and to make better provision for the supply of water to the city and neighbouring parishes; and for other purposes.

xci. An Act to enable the Waterford and Limerick Railway Company to make an Extension Railway and other Works; and for other purposes.

xcii. An Act to extend the time for completing the Letterkenny Railway; to revive some of the powers of purchasing Land for that Railway; and for other purposes.

xciii. An Act to extend the District of the Improvement Commissioners and the Urban Sanitary Authority for the District of Ramsgate; to enable them to make a new Road; to provide for the severance of Ramsgate from the jurisdiction of the town and port of Sandwich; and for other purposes.

xciv. An Act to authorise the Corporation of Stockton-on-Tees to construct a Quay and other Works; to borrow Moneys; and for other purposes.

xcv. An Act to authorise the construction of a Railway in the county of Antrim from Ballymoney to Ballycastle; and for other purposes.

xcvi. An Act for the better supplying with Water the Parliamentary Burgh of Forfar, and places adjacent; and for other purposes.

xcvii. An Act to authorise the transfer of the Undertaking of the Mansfield Gaslight Company to the Mansfield Improvement Commissioners.

xcviii. An Act for authorising the construction by the Mersey Docks and Harbour Board of Over-head or High Level Railways in connexion with their Docks on the Liverpool side of the River Mersey.

xcix. An Act to extend the time for the completion of certain Works at Bermondsey; and for other purposes.

c. An Act to provide for the cancelling of the Bond entered into under the Enniskillen, Bundoran, and Sligo Railway Act, 1862.

ci. An Act to confer further powers on the Navan and Kingscourt Railway Company; and for other purposes.

cii. An Act to confer additional Powers upon the Bournemouth Gas and Water Company.

ciii. An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of Cheltenham to acquire the undertaking of the Cheltenham Waterworks Company, and for supplying with Water the Borough of Cheltenham and other places; and for other purposes.

civ. An Act for conferring further powers on the Glasgow and South-western Railway Company for the construction of Works, the acquisition of Lands, and the raising of Money; and for making further provision for the construction of Works at the Harbour of Ayr; and for other purposes.

cv. An Act for enabling the North-eastern Railway Company to construct a Railway from their Hull and Holderness Branch to Salt End in the East Riding of Yorkshire; and for other purposes.

cvi. An Act to authorise the Waterford, Dungarvan, and Lismore Railway Company to extend their Railway from their present Terminus at Waterford into the City of Waterford; and for other purposes.

cvii. An Act to amalgamate the Undertakings of the Great Western and South Devon Railway Companies; and for other purposes.

ccviii. An Act for empowering the Great Western Railway Company to mak new railways, roads, and other works; for extending the time for the com pletion of authorised railways, and for the purchase of Lands for the same for empowering the Great Western Railway Company to abandon the con struction of certain authorised railways; for vesting in the Great Wester Railway Company and the Severn Navigation Commissioners the Undertaking of the Gloucester and Worcester Horse Towing Path Company and the Rive Severn Horse Towing Path Extension Company; for vesting in the Grea Western Railway Company and the Stratford-upon-Avon Railway Compan the Undertaking of the Alcester Railway Company; for conferring furthe Powers upon the Great Western Railway Company and other companies i relation to their respective undertakings; for empowering the Great Wester Railway Company to subscribe towards the Capital and Debenture Debt o the Worcester, Bromyard, and Leominster, the Mitcheldean Road and Fore of Dean Junction, the Malmesbury, and the Llynvi and Ogmore Railwa Companies; and for other purposes.

ccix. An Act to amend and enlarge the provisions of the Warrington Wate works Act, 1855, and the Warrington Waterworks Act, 1868; to extend th limits of the Warrington Waterworks Company for the supply of Water; t enable the Company to construct additional Works, and to make further an better provision for supplying the Town and Borough of Warrington an the adjoining Districts with Water; and for other purposes.

ccx. An Act to amend the Acts relating to the Littleport and Downham Distric and to provide for the making and maintaining of roads in the said district and for other purposes.

P. ccxi. An Act to confirm a Provisional Order of the Local Government Boa relating to the Darenth Valley Main Sewerage District.

P. ccxii. An Act for the appointment of Trustees to maintain certain works ex cuted near the River Corrib, in the county of Galway; and for other purpose

P. ccxiii. An Act for the Disafforestation of Epping Forest and the preservatio and management of the uninclosed parts thereof as an Open Space for th recreation and enjoyment of the public; and for other purposes.

ccxiv. An Act for effecting an arrangement with respect to the mortgage an other debts of the Cork and Kinsale Junction Railway Company; and f other purposes.

ccxv. An Act for authorising the construction of Railways in the county Glamorgan, to be called the Pontypridd, Caerphilly, and Newport Railway and for other purposes.

ccxvi. An Act for conferring on the Conservators of the River Thames furth Powers, and for extending and amending the Thames Acts, 1857 to 1870; an for other purposes.

ccxvii. An Act for making a Railway from the Ilen Valley Railway Drimoleague to the Town of Bantry, all in the County of Cork; and for oth purposes.

ccxviii. An Act for authorising the construction of a Railway from the Na berth Road and Maenclochog Railway at Rosebush to Fishguard; and for oth purposes.

ccxix. An Act for conferring further powers on the Teign Valley Railway Co pany for the construction of works, and otherwise in relation to their Unde taking; and for other purposes.

ccxx. An Act to authorise the application to other Educational Purposes, the sale or letting, of Schoolhouses and other School Properties held on beha of Congregations of the Free Church of Scotland; and for other purposes.

ccxxi. An Act to further extend the respective periods for the compulsory purchase of lands for and for the completion of the works authorised by the Metropolitan Inner Circle Completion Act, 1874.

ccxxii. An Act for embanking and reclaiming certain waste land on the bank of the River Fergus, in the County of Clare.

ccxxiii. An Act for conferring further powers upon the holders of certain Debenture Stock of the Banbury and Cheltenham Direct Railway Company; and for other purposes.

ccxxiv. An Act to authorise the construction of Tramways in and near the Town of Croydon, in the County of Surrey; and for other purposes.

ccxxv. An Act to authorise the Leominster and Bromyard Railway Company to construct a new railway; to extend the time for the purchase of certain lands and completion of line authorised by a former Act; and for other purposes.

ccxxvi. An Act to extend the time for the completion of the Portishead Docks; and for other purposes.

ccxxvii. An Act to authorise the extension of the Ballymena and Larne Railway, in the County of Antrim, and to confer further powers in relation to that undertaking.

ccxxviii. An Act for making a Bridge over the River Severn from Newnham to Arlingham in the County of Gloucester, with approaches thereto; and for other purposes.

ccxxix. An Act for incorporating the Princetown Railway Company; and for other purposes.

ccxxx. An Act for amending the Acts relating to the Waterford and Wexford Railway Company.

ccxxxi. An Act to confirm, with amendments, certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Aldershot and Farnborough Tramways, Bolton and Suburban Tramways, Gloucester Tramways, Moss Side Local Board Tramways, Newton Heath Local Board Tramways, Reading Tramways, Sunderland Tramways, Wavertree Local Board Tramways, West Derby Local Board Tramways, and Wolverhampton Tramways (Extension).

ccxxxii. An Act to confirm, with amendments, a Provisional Order made by the Board of Trade under the Tramways Act, 1870, relating to Glasgow and Ibrox Tramway.

ccxxxiii. An Act to confirm the Provisional Orders for the Inclosure of certain lands in pursuance of Reports of the Inclosure Commissioners for England and Wales.

ccxxxiv. An Act to authorise the Aberdeen District Tramways Company to construct additional Tramways; and for other purposes.

ccxxxv. An Act to empower the Belfast Street Tramways Company to alter the gauge of their existing Tramways and to construct additional Tramways, and to raise further Money; and for other purposes.

ccxxxvi. An Act to incorporate the Boston District Tramways Company, and to authorise the construction of Tramways in and near the Town of Boston, and from Boston to Wrangle, in the County of Lincoln; and for other purposes.

ccxxxvii. An Act to confer further powers on the Glyn Valley Tramway Company; and for other purposes.

ccxxxviii. An Act to authorise the construction of Tramways in the Parish of Wallasey, in the County of Chester; and for other purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

AN Act for authorising the Trustees of the Settled Estates of the Marques of Exeter to raise moneys on the security of the Settled Estates, fo the improvement thereof; and for other purposes.

2. An Act to confirm a partition made of certain hereditaments held upon th Trusts by the Will of Samuel Brooks, deceased, declared concerning the here ditaments comprised in the ninth schedule to the said Will, and the short titl of which is intended to be Brooks Settled Estates Partition Confirmatio Act, 1878.

3. An Act for giving effect to a compromise of suits affecting the Estates in th counties of Westmeath and Dublin, in Ireland, late of Adolphus Cook deceased.

4. An Act for confirming certain Building Leases granted by the late Lor Stafford and the present Lord Stafford of lands in the Borough of Staffor and in the Parish of Castle Church in the County of Stafford, and in the Paris of Shifnal in the County of Salop, which are subject to the uses of a Settle ment of the Family Estates of the said Lords Stafford, dated the sixth day c February one thousand eight hundred and thirty-three.

5. An Act to enable the Trustees of the Settlement of Lord Tredegar's Famil Estates to take further Shares in the Alexandra (Newport) Dock Company, an for other purposes, and of which the short title is Lord Tredegar's Supplementa Estate Act, 1878.

6. An Act to confirm an Agreement of Compromise made with respect to a Estate or Farm called Pwllcarn and other hereditaments in the County c Glamorgan, and to provide for raising a sufficient sum for payment of purchas moneys, costs, and expenses in connexion with the said Agreement.

7. An Act to be intituled the Vane Tempest Settled Estate Act, 1878.

A LIST OF THE LOCAL AND PRIVATE ACTS,

(41 & 42 Vict., 1878,)

ARRANGED IN CLASSES.

Class 1.—Bridges and Ferries.
„ 2.—Canals, Rivers, Navigations, and Tunnels.
„ 3.—Charitable Foundations and Institutions.
„ 4.—Drainages and Drainage Embankments.
„ 5.—Ecclesiastical Affairs, including Tithes.
„ 6.—Estates.
„ 7.—Fisheries.
„ 8.—Gaslight Companies and Water Companies.
„ 9.—Harbours, Docks, Piers, Ports, Quays, &c.
Class 10.—Improvements in Towns, Municipal and Local Government Matters, &c.
„ 11.—Inclosures of Commons.
„ 12.—Parish Affairs.
„ 13.—Personal Affairs.
„ 14.—Railways.
„ 15.—Tramways.
„ 16.—Trading Companies.
„ 17.—Turnpike and other Roads.
„ 18.—Provisional Orders Confirmation.

Class 1.—Bridges and Ferries.

Cardiff, River Side (Construction of Bridge). Ch. cxxv.
Conway Bridge (Vesting in Commissioners). Ch. lxviii.
Conway Bridge (Composition of Debt). Ch. clxvi.
Cromwell Road Bridge (Kensington). Ch. clxxxviii.
Newnham Bridge (Making, over the Severn). Ch. ccxxviii.
Stobcross Ferry, Glasgow (Establishment). Ch. xlvii.

Class 2.—Canals, Rivers, Navigations, and Tunnels.

Bradford Canal (Transfer). Ch. clvi.
Clyde Navigation (Stobcross Ferry, &c.) Ch. xlvii.
Sleaford Navigation (Abandonment). Ch. lxxxviii.
Tees Conservancy (Further Powers). Ch. lxxxvi.
Thames Conservancy (Further Powers). Ch. ccxvi.

Class 3.—Charitable Foundations and Institutions.

Exeter, Chapel of St. John's Hospital (Sale, &c.) Ch. xix.
Royal Bank of Scotland Officers Widows Fund (Amendment of Act). Ch. iii.

Class 4.—Drainages and Drainage Embankments.

Clare Slob Land Reclamation (Reviving Powers of Company). Ch. clxviii.
Corrib (Galway) River (Appointment of Trustees). Ch. ccxii.
Fergus River Reclamation. Ch. ccxxii.
Littleport and Downham Drainage District (Making and maintaining Roads, &c.) Ch. ccx.
Pegwell Bay Reclamation and Sandwich Haven Improvement (Extension of Time). Ch. xlvi.
South Staffordshire Mines Drainage (Amendment of Act). Ch. lxxxi.
Wiggenhall St. Mary Magdalen (Further Powers to Commissioners). Ch. xxxii.

[*For Acts confirming Provisional Orders under Drainage (Ireland) Acts, see Class* 18 (2).]

Class 5.—Ecclesiastical Affairs, including Tithes.

Exeter, Chapel of St. John's Hospital (Sale, &c.) Ch. xix.
Free Church of Scotland School Properties. Ch. ccxx.

Class 6.—Estates.

Brooks's Estate (Settled Estates Partition Confirmation). Ch. 2. (*Private.*)
Cooke Estate. Ch. 3. (*Private.*)
Exeter's (Marquess of) Estate. Ch. 1. (*Private.*)
Stafford's (Lord) Estate. Ch. 4. (*Private.*)
Traherne's Estate. Ch. 6. (*Private.*)
Tredegar's (Lord) Estate. Ch. 5. (*Private.*)
Vane Tempest Settled Estate. Ch. 7. (*Private.*)

Class 7.—Fisheries.

Nil.

Class 8.—Gaslight Companies and Water Companies.

Bangor (Empowering Local Board to purchase Undertaking of Gas and Water Company). Ch. cxix.
Bournemouth Gas and Water (Further Powers). Ch. ccii.
Brading Harbour District Gas (Incorporation). Ch. x.
Cardiff Water (Additional Works, Capital, &c.) Ch. cxliv.
Castleford and Whitwood Gas (Incorporation, &c.) Ch. clxxxvii.
Cheltenham Water (Purchase of Undertaking by Corporation). Ch. cciii.
Clitheroe (Empowering Corporation to purchase Undertakings of Gas and Water Companies). Ch. lxxxiv.
Deal Water (Further Powers). Ch. xi.
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Grand Junction Water (Enabling Company to raise further Capital). Ch. cxxxiv.
Hartlepool Gas and Water (Additional Powers). Ch. ix.
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Imperial Continental Gas Association (Further Powers). Ch. xvii.
Lea Bridge District Gas (Dissolution and Re-incorporation). Ch. xlix.
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Class 8.—Gaslight Companies and Water Companies—*continued.*

South Hants Water (Extension of Limits). Ch. lxvi.
Southport Water (Additional Works, Capital, &c.) Ch. xcii.
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[*For Acts confirming Provisional Orders under General Pier and Harbour Act, see* Class 18 (5).]

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Burton-upon-Trent (Extension of Limits of Town, &c.) Ch. lxi.
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[*For Acts confirming Provisional Orders under Acts relating to subjects embraced in this Class*, see Class 18 (1), (7), (8), (9), (10).]

Class 11.—Inclosures of Commons.

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[*For Acts confirming Provisional Orders in pursuance of Reports of Inclosure Commissioners*, see Class 18 (6).]

Class 12.—Parish Affairs.

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[*For Acts confirming Provisional Orders under Elementary Education Act and Poor Law Amendment Act*, see Class 18 (3), (7).]

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NOTE.—*By the* "ANNUAL TURNPIKE ACTS CONTINUANCE ACT, 1878," *certain Local Acts are repealed, and certain other Acts are continued for specified terms. See Schedules to* 41 *&* 42 *Vict. c.* 62. (*Public*).]

Class 18.—Provisional Orders Confirmation.

(1.) *Under Artizans and Labourers Dwellings Act:*
Orders of Local Government Board relating to Devonport and Newcastle-upon-Tyne. Ch. cv.
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(2.) *Under Drainage* (*Ireland*) *Acts:*
Orders relating to Ward River and River Suck Drainage Districts. Ch. xxxviii.

(3.) *Under Elementary Education Act:*
Order of the Education Department relating to the School Board for Mickleover (Derby). Ch. lviii.
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(4.) *Under Gas and Water Works Facilities Act:*
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Orders of Local Government Board relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law. Ch. lvii.

(5.) *Under General Pier and Harbour Act:*
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Class 18.—Provisional Orders Confirmation—*continued.*

(5.) *Under General Pier and Harbour Act*—continued.
Plymouth, Port Seton, Sea View (Isle of Wight), Shanklin, Southend, South Uist, and Walton-on-the-Naze. Ch. cxiv.
Orders of Board of Trade relating to Ardglass, Boddam, Lochmaddy, Montrose, Southsea, and Youghal. Ch. cxv.

(6.) *Under Inclosure Acts:*
Order for inclosure of Lands in parish of Orford (Suffolk) in pursuance of Report of Inclosure Commissioners. Ch. cxiii.
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(7.) *Under Poor Law Amendment Act:*
Orders of Local Government Board relating to the Parishes of Birmingham and Boldre, and to the Townships of Old Accrington and New Accrington, and also Orders relating to the Parishes of Bolnhurst, Keysoe, Little Staughton, Minster, Pertenhall, and Saint Lawrence. Ch. civ.

(8.) *Under Public Health and Local Government Acts:*
Orders of Local Government Board relating to the City of Bristol, the Rural Sanitary District of Chester-le-Street Union, the Local Government District of Finchley, the Rural Sanitary District of the Newbury Union, and the Local Government Districts of Wallasey and West Derby. Ch. viii.
Orders relating to the Borough of Abingdon, the Rural Sanitary District of the Abingdon Union, the Local Government Districts of Brampton and Walton, Buxton, and Dalton-in-Furness, the Rural Sanitary District of the Headington Union, the City of Lincoln, the Rural Sanitary District of the Loughborough Union, the Local Government District of Newtown and Llanllwchaiarn, the Boroughs of Saint Helens and Southport, and the City of Worcester. Ch. xxxvii.
Orders relating to the Borough of Droitwich, the Local Government District of Ilkeston, the Borough of Saffron Walden, and the Local Government District of Tow Law. Ch. lvii.
Orders relating to the Boroughs of Devonport and Newcastle-upon-Tyne. Ch. cv.
Orders relating to the Rural Sanitary District of the Belper Union, the Borough of Burnley, the Rural Sanitary District of the Chesterfield Union, the Local Government District of Ilkeston, the Improvement Act District of Lytham, the Port of Milford, the Local Government District of Rhymney, the Rural Sanitary District of the Rugby Union, the Local Government District of Ryton, the Rural Sanitary District of the Saint Asaph Union, the Port of Sunderland, the Borough of Swansea, and the Local Government District of Tunbridge Wells. Ch. cix.
Orders relating to the Improvement Act District of Bournemouth, the Local Government District of Brotton, the Boroughs of Haverfordwest and Liverpool, the Improvement Act District of Llandudno, the Local Government District of Lofthouse, the Lower Thames Valley Main Sewerage District, the Improvement Act District of Middleton and Tonge, the Local Government Districts of Pemberton, Romford, and Tyldesley-with-Shakerley, the Borough of Wakefield, the Improvement Act District of West Hartlepool, the Borough of Wigan, and the Local Government Districts of Wimslow and Workington. Ch. clxii.
Orders relating to the Rural Sanitary District of the Abergavenny Union, the Improvement Act District of Bradford (Wilts), the Local Government District of Brigg, the Boroughs of Brighton and Cheltenham, the Local Government District of Ebbw Vale, the Improvement Act District of Leek, the Boroughs of Liverpool and Preston, the Local Government District of St. Columb, the Borough of Tiverton, the Local Government District of Tredegar, and the Special Drainage District of Washington. Ch. clxiv.
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Order relating to the Darenth Valley Main Sewerage District. Ch. ccxi.

Class 18.—Provisional Orders Confirmation—*continued.*

(9.) *Under the Public Health (Ireland) and Local Government (Ireland) Acts:*
Order of Local Government Board for Ireland, relating to the Borough of Cork. Ch. cviii.
Orders relating to Waterworks in the Town of Dungarvan, and to the Burial Grounds of Barnahely and Templerobin in the County of Cork, and to the Town of Tralee. Ch. cxvi.

(10.) *Under the Public Health (Scotland) and General Police and Improvement (Scotland) Acts:*
Order relating to the Burgh of Paisley. Ch. ciii.
Order relating to the Burgh of Lochgelly (Fife). Ch. cvi.

(11.) *Under Tramways Acts:*
Orders made by the Board of Trade relating to Cardiff Tramways (Extensions), Manchester Corporation Tramways, Manchester Suburban Tramways, and Oldham Borough Tramways. Ch. clxiii.
Orders relating to Aldershot and Farnborough Tramways, Bolton and Suburban Tramways, Gloucester Tramways, Moss Side Local Board Tramways, Newton Heath Local Board Tramways, Reading Tramways, Sunderland Tramways, Wavertree Local Board Tramways, West Derby Local Board Tramways, and Wolverhampton Tramways (Extension). Ch. ccxxxi.
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TABLES

SHOWING

THE EFFECT OF THE YEAR'S LEGISLATION.

TABLE A.—Acts of 41 & 42 Vict. (in order of Chapter), showing their effect on former Acts.

TABLE B.—Acts of former Sessions (in chronological order) Repealed and Amended by Acts of 41 & 42 Vict.

(A.)

Acts of 41 & 42 Vict. (in order of Chapter), showing their effect on former Acts.

CH.

1. CONSOLIDATED FUND (6,000,000*l.*) [U.K.]

2. EXCHEQUER BILLS AND BONDS (6,000,000*l.*) [U.K.]
   Applies 29 & 30 Vict. c. 25., Exchequer Bills and Bonds Act, 1866.
   ,, 40 & 41 Vict. c. 2., Treasury Bills Act, 1877.

3. HOUSE OCCUPIERS DISQUALIFICATION REMOVAL [E.]
   Amends 30 & 31 Vict. c. 102., Representation of the People Act, 1867.

4. PARLIAMENTARY ELECTIONS (METROPOLIS) [E.]
   Extends Hours of Polling in Metropolitan Boroughs.

5. HOUSE OCCUPIERS DISQUALIFICATION REMOVAL (SCOTLAND) [S.]
   Amends 31 & 32 Vict. c. 48., Representation of the People (Scotland) Act, 1868.

6. GLEBE LOAN (IRELAND) AMENDMENT [I.]
   Amends 38 & 39 Vict. c. 30., and extends Time for Loans under 33 & 34 Vict. c. 112. and 34 & 35 Vict. c. 100. to 31st August 1880.

7. EXCHEQUER BONDS (1,000,000*l.*) [U.K.]
   Applies 29 & 30 Vict. c. 25., Exchequer Bills and Bonds Act, 1866.

8. PUBLIC PARKS (SCOTLAND) [S.]
   Applies 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
   ,, 38 & 39 Vict. c. 49., Artizans Dwellings (Scotland) Act, 1875.
   ,, 8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106., Lands Clauses (Scotland) Acts, 1845 and 1860.
   ,, 28 & 29 Vict. c. 27., Costs (Provisional Orders) Act, 1865.
   ,, 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.

9. CONSOLIDATED FUND (13,537,047*l.* 6*s.* 5*d.*) [U.K.]

10. MUTINY [U.K.]
    Applies 26 & 27 Vict. c. 57., Regimental Debts Act, 1863.
    Amends 33 & 34 Vict. c. 67., Army Enlistment Act, 1870.

11. MARINE MUTINY [U.K.]
    Repeals part of 10 & 11 Vict. c. 63., Marines Enlistment Act, 1847.

12. THRESHING MACHINES [E.]
    Provides for the fencing of Steam Threshing Machines.

13. BILLS OF EXCHANGE [U.K.]
    Removes doubts arising as to effect of a certain enactment in Mercantile Law Amendment Act, 19 & 20 Vict. c. 97. and Mercantile Law Amendment (Scotland) Act, 19 & 20 Vict. c. 60.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

4. BATHS AND WASH-HOUSES [E.]
Amends 9 & 10 Vict. c. 74. and 10 & 11 Vict. c. 61., Baths and Wash-houses Acts, 1846 and 1847.
Construes 38 & 39 Vict. c. 66., Statute Law Revision Act, 1875, and 38 & 39 Vict. c. 55., Public Health Act, 1875, with this Act.
Applies 29 & 30 Vict. c. 31., Metropolis Local Management Act, 1866, as to Superannuation.

5. CUSTOMS AND INLAND REVENUE [U.K.]
Customs:—
Continues Duties on Tea.
Alters Duties, &c. on Tobacco under Customs Act, 1876, 39 & 40 Vict. c. 35. and Manufactured Tobacco Act, 1863, 26 & 27 Vict. c. 7.
Amends 39 & 40 Vict. c. 36., Customs Consolidation Act, 1876.
Repeals part of 34 & 35 Vict. c. 103., Customs and Inland Revenue Act, 1871.

Taxes:—
Grants Duties of Income Tax, and applies existing Acts; provides also for collection of Income Tax and Inhabited House Duties, and applies 32 & 33 Vict. c. 67., Valuation, Metropolis, Act, 1869.
Amends the Law as to inhabited Houses, and repeals section 11 of 32 & 33 Vict. c. 14.
Transfers Serjeants' Inn to City of London for purposes of Taxes, and amends 38 Geo. 3. c. 5.

Excise:—
Increases Duty on Dogs imposed by 30 & 31 Vict. c. 5., and repeals section 38. of 32 & 33 Vict. c. 14.
Regulates Warehousing of British Spirits under 28 & 29 Vict. c. 98.
Restricts use of Alkaline Salts in manufacture of Snuff, and explains 5 & 6 Vict. c. 93.

Stamps:—
Interprets 33 & 34 Vict. c. 97., as to Contract Notes.
Repeals Duty on certain Ecclesiastical Licenses.

6. FACTORIES AND WORKSHOPS [U.K.]
Repeals (wholly) the following Acts relating to Factories and Workshops:

42 Geo. 3. c. 73.	26 & 27 Vict. c. 40.
3 & 4 Will. 4. c. 103.	27 & 28 Vict. c. 48.
7 & 8 Vict. c. 15.	30 & 31 Vict. c. 103.
9 & 10 Vict. c. 40.	30 & 31 Vict. c. 146.
13 & 14 Vict. c. 54.	33 & 34 Vict. c. 62.
16 & 17 Vict. c. 104.	34 & 35 Vict. c. 19.
19 & 20 Vict. c. 38.	34 & 35 Vict. c. 104.
24 & 25 Vict. c. 117.	37 & 38 Vict. c. 44.

Repeals part of section 19 of 29 & 30 Vict. c. 90., Sanitary Act, 1866.
„ parts of sections 4 and 91 of 38 & 39 Vict. c. 55., Public Health Act, 1875.
„ section 8 and part of section 48 of 39 & 40 Vict. c. 79., Elementary Education Act, 1876.

Applies 8 & 9 Vict. cc. 16., 17., Companies Clauses Acts, 1845.
„ 38 & 39 Vict. c. 13., Holidays Extension Act, 1875.
„ 33 & 34 Vict. c. 75., Elementary Education Act, 1870.
„ 36 & 37 Vict. c. 86., Elementary Education Act, 1873.
„ 39 & 40 Vict. c. 79., Elementary Education Act, 1876.
„ 29 & 30 Vict. c. 90., Public Health Act, 1866.
„ 38 & 39 Vict. c. 55., Public Health Act, 1875.
„ 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
„ 37 & 38 Vict. c. 93., Public Health (Ireland) Act, 1874.
„ 17 & 18 Vict. c. 80., „ 26 & 27 Vict. c. 11., } Registration of Births, &c. Acts, 1854 and 1863.
„ 11 & 12 Vict. c. 43. and 27 & 28 Vict. c. 53., Summary Jurisdiction and Procedure Acts.
„ 20 Geo. 2. c. 43., Appeals.
„ 38 & 39 Vict. c. 62., Summary Prosecutions Appeals (Scotland) Act, 1875.
„ 14 & 15 Vict. c. 90., Fines (Ireland) Act, 1851.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

Ch.

17. Adulteration of Seeds [U.K.]
Amends 32 & 33 Vict. c. 112., Adulteration of Seeds Act, 1869.

18. Public Works Loans [U.K.]
Amends 38 & 39 Vict. c. 89., Public Works Loans Act, 1875.
Compounds Debt due by Epping Sanitary Authority under 29 & 30 Vict. c. 90 Sanitary Act, 1866.
Repeals obligation of Public Works Loan Commissioners to take securities und Local Loans Act, 38 & 39 Vict. c. 83.
Applies 40 & 41 Vict. c. 27., Public Works Loans (Ireland) Act, 1877.

19. Matrimonial Causes [E.]
Amends 22 & 23 Vict. c. 61., Matrimonial Causes Act, 1859.
Empowers Court to order that wife be not bound to cohabit if husband convicted of aggravated assault under 24 & 25 Vict. c. 100. s. 43.

20. Railway Returns (Continuous Brakes) [U.K.]
Applies 34 & 35 Vict. c. 78., Regulation of Railways Act, 1871.

21. Consolidated Fund (7,500,000*l.*) [U.K.]

22. Exchequer Bonds (1,500,000*l.*) [U.K.]
Applies 29 & 30 Vict. c. 25., Exchequer Bills and Bonds Act, 1866.

23. Acknowledgment of Deeds by Married Women (Ireland) [I.]
Recites 4 & 5 Will. 4. c. 92., Fines and Recoveries (Ireland).
„ 40 & 41 Vict. c. 56., County Officers and Courts (Ireland) Act, 1877.

24. Public Works Loans (Ireland) Act (1877) Amendment [I.]
Amends 40 & 41 Vict. c. 27., so far as relates to Lunatic Asylums.

25. Public Health (Water) [E.]
Amends 38 & 39 Vict. c. 55., (Public Health Act, 1875), and construes Act therewith.

26. Parliamentary and Municipal Registration [E.]
Amends 2 & 3 Will. 4. c. 45., Reform Act, 1832.
„ 30 & 31 Vict. c. 102., Representation of the People Act, 1867.
„ 5 & 6 Will. 4. c. 76., Municipal Corporations Act, 1835.
„ 6 & 7 Vict. c. 18., Parliamentary Registration Act, 1843.
„ 32 & 33 Vict. c. 41. s. 19., Poor Rates Assessment, &c. Act, 1869.
Applies 38 & 39 Vict. c. 40., Municipal Elections Act, 1875.
„ s. 28 of 37 & 38 Vict. c. 88., Births and Deaths Registration Act, 1874.
„ s. 7 and 8 of 28 & 29 Vict. c. 36., County Voters Registration Act, 1865.
„ s. 3 of 22 Vict. c. 35., Municipal Corporations Act, 1859.
„ s. 13 of 35 & 36 Vict. c. 33., Ballot Act, 1872.

27. Supreme Court of Judicature Act (Ireland), 1877, Amendment [I.]
Amends 40 & 41 Vict. c. 57., as to Constitution of Commissions of Assize.

28. Entail Amendment (Scotland) [S.]
Amends 38 & 39 Vict. c. 61., Entail Amendment (Scotland) Act, 1875.

29. Monuments (Metropolis) [E.]
Applies 18 & 19 Vict. c. 120. in respect to recovery of penalties for Injury to the Obel known as Cleopatra's Needle, &c.

30. General Police and Improvement (Scotland) Amendment [S.]
Repeals sections 50 and 51 of 25 & 26 Vict. c. 101., General Police and Improvem (Scotland) Act, 1862.

31. Bills of Sale [E.]
Repeals 17 & 18 Vict. c. 36., Bills of Sale Act, 1854.
„ 29 & 30 Vict. c. 96., Bills of Sale Act, 1866.
Applies 36 & 37 Vict. c. 66., and 38 & 39 Vict. c. 77., Supreme Court of Judicature A 1873 and 1875.

32. Metropolis Management and Building Acts Amendment [E.]
Amends 18 & 19 Vict. c. 120., Metropolis Management Act, 1855, } and Acts amending
„ 18 & 19 Vict. c. 122., Metropolitan Building Act, 1855, } same.
Saves 57 Geo. 3. c. xxix., Metropolis paving, &c.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

Ch.

33. Dentists [U.K.]
Applies 21 & 22 Vict. c. 90., Medical Act, 1858.
„ 5 & 6 Will. 4. c. 62., Oaths and Affirmation Act, 1835.
„ 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.
„ 27 & 28 Vict. c. 53., Summary Procedure (Scotland) Act, 1864.

34. South Wales Highway Act Amendment [E.]
Amends 23 & 24 Vict. c. 68., South Wales Highways Act, 1860.
Applies 10 & 11 Vict. c. 16., Commissioners Clauses Act, 1847.
„ 8 & 9 Vict. c. 18., Lands Clauses Act, 1845.

35. Supreme Court of Judicature (Officers) [E.]
Continues (until 1st Jan. 1880) section 34 of 38 & 39 Vict. c. 77., Supreme Court of Judicature Act, 1875.

36. Police (Expenses) Act Continuance [E. & S.]
Continues (until 1st Sept. 1879) 38 & 39 Vict. c. 48., Police (Expenses) Act, 1875.

37. Metropolitan Board of Works (Money) [E.]
Amends and applies Acts, 1869 to 1877; viz., 32 & 33 Vict. c. 102., 33 & 34 Vict. c. 24., 34 & 35 Vict. c. 47., 38 & 39 Vict. c. 65., 39 & 40 Vict. c. 55., and 40 & 41 Vict. c. 52.
Applies 18 & 19 Vict. c. 120., and 25 & 26 Vict. c. 102., Metropolis Management Acts, 1855 and 1862.
Applies 28 & 29 Vict. c. 90., Fire Brigade Act, 1865.
„ 35 & 36 Vict. c. clxiii., „ 40 & 41 Vict. c. ccxxxv., } Metropolitan Street Improvements Acts, 1872 and 1877.
„ 36 & 37 Vict. c. lxxxvi., Metropolitan Commons Act, 1873 (Tooting Beck Common).
„ 38 & 39 Vict. c. clxxix., Metropolitan Board of Works Act, 1875 (Tooting Graveney Common).
„ 41 & 42 Vict. c. cxlv., Metropolitan Board of Works Act, 1878 (Plumstead Common).
„ 24 & 25 Vict. c. 98. as to Forgery.

38. Innkeepers [U.K.]
Empowers Landlord, &c. to dispose of Goods left with him after Six Weeks.

39. Freshwater Fisheries [E.]
Amends and extends 24 & 25 Vict. c. 109., „ „ 28 & 29 Vict. c. 121., „ „ 36 & 37 Vict. c. 71., „ „ 39 & 40 Vict. c. 19., } Salmon Fishery Acts, 1861 to 1876.
„ „ 40 & 41 Vict. c. 65., Fisheries (Dynamite) Act, 1877.
Repeals part of 18 Geo. 3. c. 33. as to fishing in the Rivers Severn and Verniew.

40. Prison Authorities Act Amendment [S.]
Removes Doubts as to application to Scotland of 37 & 38 Vict. c. 47., Prisons Authorities Act, 1874.

41. Parliamentary Elections, Returning Officers Expenses (Scotland) [S.]
Amends 35 & 36 Vict. c. 33., Ballot Act, 1872.

42. Commutation of Tithes [E.]
Amends 6 & 7 Will. 4. c. 71., 7 Will. 4. & 1 Vict. c. 69., 1 & 2 Vict. c. 64., 2 & 3 Vict. c. 62., 3 & 4 Vict. c. 15., 5 & 6 Vict. c. 54., 9 & 10 Vict. c. 73., and 23 & 24 Vict. c. 93.

43. Marriage Notice (Scotland) [S.]
Amends 17 & 18 Vict. c. 80., Registration of Births, &c. (Scotland).
Applies 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.

44. Truro Chapter [E.]
Amends 39 & 40 Vict. c. 54., Bishopric of Truro Act, 1876.
Transfers Canonry from Cathedral Church of Exeter to Cathedral Church of Truro.

45. Consolidated Fund (14,500,000*l.*) [U.K.]

46. Duke of Connaught and of Strathearn (Establishment) [U.K.]

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

CH.

47. ELDERS WIDOWS FUND [C.]
Empowers Trustees of the Elders Widows Fund of late East India Company to transfer t the India Office Provident Fund the sum of 3,317*l.* 6*s.* 8*d.*, with interest, &c.

48. ENDOWED INSTITUTIONS (SCOTLAND) [S.]
Amends Law relating to Endowed Schools and Hospitals, &c. in Scotland.

49. WEIGHTS AND MEASURES [U.K.]
Repeals the following Acts and parts of Acts, subject to certain specified Re-enactments :—

31 Edw. 3. s. 1., chapter 2 of the Statute of Westminster.	5 & 6 Will. 4. c. 63.
6 Anne c. 11. (5 & 6 Anne c. 8. in Ruffhead), Article 17 of Act of Union.	16 & 17 Vict. c. 29.
15 Geo. 2. c. 20. s. 5.	16 & 17 Vict. c. 79. s. 5.
35 Geo. 3. c. 102.	18 & 19 Vict. c. 72.
36 Geo. 3. c. 85. s. 1. in part.	22 & 23 Vict. c. 56.
37 Geo. 3. c. 143.	23 & 24 Vict. c. 119.
55 Geo. 3. c. 43.	24 & 25 Vict. c. 75. s. 6.
5 Geo. 4. c. 74. (except section 25).	25 & 26 Vict. c. 76. in part.
6 Geo. 4. c. 12.	25 & 26 Vict. c. 102. s. 101.
	27 & 28 Vict. c. 117.
	29 & 30 Vict. c. 82.
	30 & 31 Vict. c. 94.
	33 & 34 Vict. c. 10. s. 17. in part.

Applies 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
„ 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

50. COUNTY OF HERTFORD [E.]
Partly repeals 37 & 38 Vict. c. 45., County of Hertford and Liberty of St. Alban Act, 1874

51. ROADS AND BRIDGES (SCOTLAND) [S.]
Repeals 8 & 9 Vict. c. 41., 1 & 2 Will. 4. c. 43., } Except as to certain specified Re-enactments.
Repeals in part 25 & 26 Vict. c. liii., Edinburgh Roads and Streets Act, 1862.
Amends 26 & 27 Vict. c. ccxiv., Elgin and Nairn Roads, &c. Act, 1863.
„ 37 & 38 Vict. c. cxlvii., Forfarshire Roads Act, 1874.
Applies 25 & 26 Vict. c. 101., General Police and Improvement (Scotland) Act, 1862.
„ 25 & 26 Vict. c. 105., Highland Roads and Bridges Act, 1862.
„ 17 & 18 Vict. c. 91., Valuation (Scotland) Act, 1854.
„ 28 & 29 Vict. c. 27., Costs (Provisional Orders) Acts, 1865.
„ 8 & 9 Vict. c. 33., Railways Clauses Act, 1845.
„ 8 & 9 Vict. c. 19., Lands Clauses Act, 1845.
„ 31 & 32 Vict. c. 84., Entail (Scotland) Act, 1868.
„ 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 38 & 39 Vict. c. 62., Summary Prosecution Appeals (Scotland) Act, 1875.

52. PUBLIC HEALTH (IRELAND) [I.]
Repeals the following enactments, viz. :—
*14 & 15 Vict. c. 28., *16 & 17 Vict. c. 41., 23 & 24 Vict. c. 26., } Common Lodging Houses Acts, 1851, 1853, and 1860.
17 & 18 Vict. c. 103., (in part), Towns Improvement (Ireland) Act, 1854.
*18 & 19 Vict. c. 116., Diseases Prevention Act, 1855.
*18 & 19 Vict. c. 121., *23 & 24 Vict. c. 77., *26 & 27 Vict. c. 117., *29 & 30 Vict. c. 41., } Nuisances Removal Acts, 1855, 1860, 1863, and 1865.
19 & 20 Vict. c. 98., 23 & 24 Vict. c. 76., } Burial Grounds (Ireland) Acts, 1856 and 1860.
*28 & 29 Vict. c. 75., *30 & 31 Vict. c. 113., } Sewage Utilization Acts, 1865 and 1867.
*29 & 30 Vict. c. 90., *31 & 32 Vict. c. 115., 36 & 37 Vict. c. 78., } Sanitary Acts, 1866, 1868, and 1873.
*32 & 33 Vict. c. 100., Sanitary Loans Act, 1869.

* The Acts thus indicated are repealed so far as relates to Ireland.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

Ch.

PUBLIC HEALTH (IRELAND) [I.]—*continued.*
34 & 35 Vict. c. 109. (in part), } Local Government (Ireland) Acts, 1871 and 1872.
35 & 36 Vict. c. 69. (in part), }
37 & 38 Vict. c. 93., Public Health Ireland Act, 1874.
Applies 3 & 4 Vict. c. 108., Municipal Corporations Act, 1840.
„ 29 & 30 Vict. c. 44., } Labouring Classes Dwellings (Ireland) Acts, 1866 and 1867.
„ 30 & 31 Vict. c. 28., }
„ 31 & 32 Vict. c. 130., Artizans and Labourers Dwellings Act, 1868.
„ 26 & 27 Vict. c. 40., Bakehouse Regulation Act, 1863.
„ 18 & 19 Vict. c. 116., } Diseases Prevention Acts, 1855 and 1860.
„ 23 & 24 Vict. c. 77., }
„ 29 & 30 Vict. c. 90., Sanitary Act, 1866.
„ 9 & 10 Vict. c. 87., Baths and Wash-houses Act, 1846.
„ Lands Clauses Acts, 1845 and 1860.
„ Railways Clauses Acts, &c., 1851, 1860, and 1864.
„ Waterworks Clauses Acts, 1863 and 1847.
„ Companies Act, 1862.
„ Gas and Water Works Facilities Act, 1870.
„ Markets and Fairs Clauses Act, 1847.
„ Towns Improvement Clauses Act, 1847.
„ Cemeteries Clauses Act, 1847.
„ Poor Law Acts, 1 & 2 Vict. c. 56, &c.
„ Summary Jurisdiction and Petty Sessions (Ireland) Acts, &c.

53. ADMIRALTY AND WAR OFFICE REGULATION [U.K.]
Empowers Treasury to award gratuities to retiring Clerks in the Admiralty and War Office, in addition to ordinary superannuation under 22 Vict. c. 26.
Applies National Debt Acts, 24 & 25 Vict. c. 14. and 26 & 27 Vict. c. 87.

54. DEBTORS [E. & I.]
Amends 32 & 33 Vict. c. 62., Debtors Act, 1869.
„ 35 & 36 Vict. c. 57., Debtors (Ireland) Act, 1872.

55. BRITISH MUSEUM [E].
Amends 26 Geo. 2. c. 22., establishing the British Museum, and authorises removal of certain Collections to South Kensington.

56. COMMONS (EXPENSES) [E.]
Applies Inclosure Acts, 1845 to 1876.
Amends 39 & 40 Vict. c. 56., Commons Act, 1876.

57. STATUTE LAW REVISION (IRELAND) [I.]
Repeals (with Savings) the Enactments described in the Schedule. [*These Enactments will be found in their Chronological Order in Table B.—See page* 66 *et seq.*]

58. LOCOMOTIVES AMENDMENT (SCOTLAND) [S.]
Amends 24 & 25 Vict. c. 70., } Locomotives Acts, 1861 and 1865, so far as relates to Scotland.
„ 28 & 29 Vict. c. 83., }
Applies 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 38 & 39 Vict. c. 62., Summary Prosecution Appeals (Scotland) Act, 1875.

59. DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) [I.]
Amends 26 & 27 Vict. c. 88., Drainage and Improvement of Lands (Ireland) Act, 1863.

60. POOR AFFLICTED PERSONS RELIEF (IRELAND) [I.]
Empowers Guardians of the Poor to provide for reception of certain Paupers in suitable Institutions.

61. FIJI MARRIAGES [C.]
Removes doubts as to validity of certain Marriages solemnized prior to 10th October 1874.

62. ANNUAL TURNPIKE ACTS CONTINUANCE [E.]
Repeals and continues certain Local Acts as set forth in the Schedule.

63. PRISONS (OFFICERS SUPERANNUATION) [U.K.]
Amends the Prisons Acts of 1877 (40 & 41 Vict. cc. 21, 49, and 53).

64. EXCHEQUER BONDS AND BILLS (2,000,000*l.*) [U.K.]
Applies 29 & 30 Vict. c. 25., Exchequer Bonds and Bills, 1866.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

Ch.

65. Appropriation [U.K.]
Authorises issue out of Consolidated Fund of 21,556,807*l.* 7*s.* 5*d.*, and appropriation of same.

66. Intermediate Education (Ireland) [I.]
Establishes "The Intermediate Education Board for Ireland."
Authorises Commissioners under the Irish Church Act, 1869 (32 & 33 Vict. c. 42.), to provide not exceeding 1,000,000*l.* for purposes of Act.

67. Foreign Jurisdiction [U.K.]
Construes Act with Foreign Jurisdiction Acts, 6 & 7 Vict. c. 94., 28 & 29 Vict. c. 116, 29 & 30 Vict. c. 87., and 38 & 39 Vict. c. 85.
Repeals 6 & 7 Vict. c. 80., China.
„ section 7 of 6 & 7 Vict. c. 94., Foreign Jurisdiction Act, 1843.
Applies 28 & 29 Vict. c. 63., Colonial Laws Validity Act, 1865.
„ enactments set out in First Schedule.

68. Bishoprics [E.]
Applies Queen Anne's Bounty Acts, 2 & 3 Anne c. 11. and 43 Geo. 3. c. 107.
Amends 38 & 39 Vict. c. 34., Bishopric of St. Albans Act, 1875.

69. Petty Sessions Clerks and Fines (Ireland) [I.]
Amends 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.
„ 21 & 22 Vict. c. 100., Petty Sessions Clerk (Ireland) Act, 1858.
Applies 14 & 15 Vict. c. 90., Fines (Ireland) Act, 1851.
„ 34 & 35 Vict. c. 65., Juries (Ireland) Act, 1871.
„ 40 & 41 Vict. c. 56., County Officers, &c. (Ireland) Act, 1877.
„ 22 Vict. c. 26., Superannuation Act, 1859.

70. Expiring Laws Continuance [U.K.]
Continues (as in Schedule) the following Acts, and Acts amending the same; viz.:—
5 & 6 Will. 4. c. 27., Linen, &c. Manufactures (Ireland).
3 & 4 Vict. c. 89., Poor Rates (Stock in Trade Exemption).
4 & 5 Vict. c. 35., Copyhold, &c. Commissions.
4 & 5 Vict. c. 59., Application of Highway Rates.
10 & 11 Vict. c. 32., Landed Property Improvement (Ireland).
10 & 11 Vict. c. 98., Ecclesiastical Jurisdiction.
11 & 12 Vict. c. 32., County Cess (Ireland).
14 & 15 Vict. c. 104., Episcopal, &c. Estates.
17 & 18 Vict. c. 102., Corrupt Practices Prevention.
23 & 24 Vict. c. 19., Dwellings for Labouring Classes (Ireland).
24 & 25 Vict. c. 109., Salmon Fishery (England).
25 & 26 Vict. c. 97., Salmon Fisheries (Scotland).
26 & 27 Vict. c. 105., Promissory Notes.
27 & 28 Vict. c. 9., Malt for Animals.
27 & 28 Vict. c. 20., Promissory Notes, &c. (Ireland).
28 & 29 Vict. c. 46., Militia Ballots Suspension.
28 & 29 Vict. c. 66., Malt Duty.
28 & 29 Vict. c. 83., Locomotives on Roads.
29 & 30 Vict. c. 52., Prosecution Expenses.
31 & 32 Vict. c. 125., Election Petitions, &c.
32 & 33 Vict. c. 21., Election Commissioners Expenses.
34 & 35 Vict. c. 87., Sunday Observance Prosecutions.
34 & 35 Vict. c. 105., Petroleum.
36 & 37 Vict. c. 48., Railway Commissioners.

71. Metropolitan Commons [E.]
Extends certain provisions of the Commons Act, 39 & 40 Vict. c. 56., to Metropolitan Commons under 29 & 30 Vict. c. 122. and 32 & 33 Vict. c. 107.
Empowers Metropolitan Board to acquire common rights under 18 & 19 Vict. c. 120.

72. Sale of Liquors on Sunday (Ireland) [I.]
Extends Acts prohibiting Sale of Intoxicating Liquors to the whole of Sunday, with certain exceptions.

73. Territorial Waters Jurisdiction [U.K.]
Amends the Law as to jurisdiction of the Admiral.

Table A.—Acts of 41 & 42 Vict. (in order of Chapter), &c.—*continued.*

H.

4. CONTAGIOUS DISEASES (ANIMALS) [U.K.]
Repeals (with Savings) the following Enactments relating to Contagious Diseases (Animals); viz.:—
England and Scotland:—
32 & 33 Vict. c. 70. in part.
38 & 39 Vict. c. 75.
Ireland:—
11 & 12 Vict. c. 105.
11 & 12 Vict. c. 107.
16 & 17 Vict. c. 62.
29 & 30 Vict. c. 4.
33 & 34 Vict. c. 36.
35 & 36 Vict. c. 16.
37 & 38 Vict. c. 6.
39 & 40 Vict. c. 51.
Applies Act to the Destructive Insects Act, 1877 (40 & 41 Vict. c. 68.), instead of 32 & 33 Vict. c. 70., hereby repealed in part.
Applies 39 & 40 Vict. c. 36., Customs Consolidation Act, 1876.
„ 18 & 19 Vict. c. 120., Metropolis Management Act, 1855.
„ 5 & 6 Will. 4. c. 76., Municipal Corporations Act, 1835.
„ 10 & 11 Vict. c. 14., Markets and Fairs Clauses Act, 1867.
„ 38 & 39 Vict. c. 55., Public Health Act, 1875.
„ 41 & 42 Vict. c. 52., Public Health (Ireland) Act, 1878.
„ 30 & 31 Vict. c. 101., Public Health (Scotland) Act, 1867.
„ 38 & 39 Vict. c. 83., Local Loans Act, 1875.
„ 38 & 39 Vict. c. 58., Public Works Loans Act, 1875.
„ 39 & 40 Vict. c. 80. s. 34., Merchant Shipping Act, 1876.
„ 20 & 21 Vict. c. 72., Police (Scotland) Act, 1857.
„ 10 & 11 Vict. c. 16., Commissioners Clauses Act, 1847.
„ 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
„ 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

5. ARRANMORE POLLING DISTRICT [I.]
Provides for the Annexation of the polling district of Arranmore to that of Dungloe.

6. TELEGRAPHS [U.K.]
Amends 26 & 27 Vict. c. 112., Telegraph Act, 1863.
Applies Telegraph Acts, 1863 to 1870.
„ 31 & 32 Vict. c. 119., Regulation of Railways Act, 1868.
„ 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
„ 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 14 & 15 Vict. c. 93., Petty Sessions (Ireland) Act, 1851.

7. HIGHWAYS AND LOCOMOTIVES [E.]
Amends 24 & 25 Vict. c. 70., „ 28 & 29 Vict. c. 83., } Locomotives Acts, 1861 and 1865.
Repeals section 44 of 5 & 6 Will. 4. c. 50., Highway Act, 1835.
„ part of section 7 of 25 & 26 Vict. c. 61., Highway Act, 1862.
„ section 36 of 27 & 28 Vict. c. 101., Highway Act, 1864.
Applies 38 & 39 Vict. c. 55., Public Health Act, 1875.
„ 43 Geo. 3. c. 59., County Bridges.
„ 11 & 12 Vict. c. 43., Summary Jurisdiction Act, 1848.
„ Highway Acts, 1835, 1862, and 1864.
„ Metropolis Management Act, 1855.

8. EDUCATION (SCOTLAND) [S.]
Amends 35 & 36 Vict. c. 62., Education (Scotland) Act, 1872.
Applies 27 & 28 Vict. c. 53., Summary Procedure Act, 1864.
„ 8 & 9 Vict. c. 19., Lands Clauses (Scotland) Act, 1845.

9. STATUTE LAW REVISION [U.K.]
Repeals (with Savings) the Enactments described in the First Schedule. [*These Enactments will be found in their Chronological Order in Table B.—See p. 63 et seq.*]
Revives Enactments in Second Schedule (repealed by Statute Law Revision Acts, 1873 and 1875); viz.—
9 Geo. 4. c. 58., in part.
10 Geo. 4. c. 44., in part.
8 & 9 Vict. c. 100., in part.
9 & 10 Vict. c. 115., in part.
16 & 17 Vict. c. 67., in part.
Amends Statute Law Revision Act, 1875, as to partial Repeal of 29 & 30 Vict. c. 118.

(B.)

Acts of former Sessions (in Chronological Order) Repealed and Amended by Acts of 41 & 42 Vict.

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vic
31 Edw. 3. st. 1. Statute of Westminster, c. 2.	Weights and Measures	Repealed	49
6 Anne c. 11. Art. 17. (5 & 6 Anne, c. 8. in Ruffhead.)	Act of Union with Scotland	Repealed	49
15 Geo. 2. c. 20. s. 5.	Counterfeiting of Gold and Silver Lace	Repealed	49
26 Geo. 2. c. 22.	British Museum	Amended	55
18 Geo. 3. c. 33. in part	Fishing in Rivers Severn and Verniew	Repealed	39
35 Geo. 3. c. 102.	Use of defective Weights	Repealed	49
36 Geo. 3. c. 85. s. 1. in part	For better Regulation of Mills	Repealed	49
37 Geo. 3. c. 143.	Use of defective Weights, &c.	Repealed	49
38 Geo. 3. c. 5.	Land Tax	Amended	15
42 Geo. 3. c. 73.	Mills and Factories	Repealed	16
55 Geo. 3. c. 43.	Use of false and deficient Measures	Repealed	49
5 Geo. 4. c. 74. (except s. 5.)	Weights and Measures	Repealed	49
6 Geo. 4. c. 12.	Weights and Measures	Repealed	49
1 & 2 Will. 4. c. 43.	Turnpike Roads (Scotland)	Repealed	51
2 & 3 Will. 4. c. 45.	Reform Act, 1832	Amended	26
3 & 4 Will. 4. c. 103.	Mills and Factories	Repealed	16
5 & 6 Will. 4. c. 50. s. 44.	Highways	Repealed	77
,, c. 63.	Weights and Measures	Repealed	49
,, c. 76.	Municipal Corporations	Amended	26
6 & 7 Will. 4. c. 71.	Commutation of Tithes	Amended	42
7 Will. 4. & 1 Vict. c. 69.			
1 & 2 Vict. c. 64.			
2 & 3 Vict. c. 62.			
3 & 4 Vict. c. 15.			
5 & 6 Vict. c. 54.			
,, c. 93.	Manufacture of Snuff	Amended	15
6 & 7 Vict. c. 18.	Parliamentary Registration	Amended	26
,, c. 80.	China	Repealed	67
,, c. 94.	Foreign Jurisdiction	Amended	67
7 & 8 Vict. c. 15.	Factories	Repealed	16
8 & 9 Vict. c. 41.	Turnpike Roads (Scotland)	Repealed	51
9 & 10 Vict. c. 40.	Ropeworks	Repealed	16
,, c. 73.	Commutation of Tithes	Amended	42
,, c. 74.	Baths and Wash-houses	Amended	14
10 & 11 Vict. c. 61.	Baths and Wash-houses	Amended	14
,, c. 63.	Marines Enlistment	Amended	11
11 & 12 Vict. c. 105.	Importation of Sheep, Cattle, &c. (Ireland)	Repealed	74
,, c. 107.	Contagious Diseases (Animals)	Repealed	74
13 & 14 Vict. c. 54.	Factories	Repealed	16
*14 & 15 Vict. c. 28.	Common Lodging Houses	Repealed	52
,, c. 93.	Petty Sessions (Ireland)	Amended	69
16 & 17 Vict. c. 29.	Weights used in Sales of Bullion	Repealed	49
* ,, c. 41.	Common Lodging Houses	Repealed	52
,, c. 62.	Cattle Disease (Ireland)	Repealed	74
,, c. 79. s. 5.	Municipal Corporations (England)	Repealed	49
,, c. 104.	Factories	Repealed	16

* The Acts thus indicated (*) are repealed so far as relates to Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vict.
17 & 18 Vict. c. 36. - -	Bills of Sale - - - -	Repealed	31
,, c. 80. - -	Registration of Births, &c. (Scotland) -	Amended	43
,, c. 103. in part -	Towns Improvement (Ireland) - -	Repealed	52
18 & 19 Vict. c. 72. - -	Weights and Measures - -	Repealed	49
* ,, c. 116. - -	Diseases Prevention - - -	Repealed	52
,, c. 120. - -	Metropolis Management - -	Amended	32
* ,, c. 121. - -	Nuisances Removal - - -	Repealed	52
,, c. 122. - -	Metropolitan Building - -	Amended	32
19 & 20 Vict. c. 38. - -	Factories - - - -	Repealed	16
,, c. 60. - -	Mercantile Law (Scotland) Amendment	Amended	13
,, c. 97. - -	Mercantile Law Amendment - -	Amended	13
,, c. 98. - -	Burial Grounds (Ireland) - -	Repealed	52
21 & 22 Vict. c. 100. - -	Petty Sessions Clerk (Ireland) - -	Amended	69
22 & 23 Vict. c. 56. - -	Weights and Measures - -	Repealed	49
,, c. 61. - -	Matrimonial Causes - - -	Amended	19
23 & 24 Vict. c. 26. - -	Common Lodging Houses (Ireland) -	Repealed	52
,, c. 68. - -	South Wales Highways - -	Amended	34
,, c. 76. - -	Burial Grounds (Ireland) - -	Repealed	52
* ,, c. 77. - -	Nuisances Removal, &c. - -	Repealed	52
,, c. 93. - -	Commutation of Tithes - -	Amended	42
,, c. 119. - -	Weights and Measures (Ireland) -	Repealed	49
24 & 25 Vict. c. 70. - -	Locomotives - - - -	Amended	58 and 77
,, c. 75. s. 6. -	Municipal Corporations - -	Repealed	49
,, c. 109. - -	Salmon Fisheries - - -	Amended	39
,, c. 117. - -	Lace Factories - - - -	Repealed	16
25 & 26 Vict. c. 61. s. 7. in part	Highways - - - -	Repealed	77
,, c. 76. in part -	Weights and Measures (Ireland) -	Repealed	49
,, c. 101. ss. 50, 51.	General Police and Improvement (Scotland).	Repealed	30
,, c. 102. s. 101. -	Metropolis Management - -	Repealed	49
26 & 27 Vict. c. 7. - -	Customs—Tobacco Duties - -	Amended	15
,, c. 40. - -	Bakehouses Regulation - -	Repealed	16
,, c. 88. - -	Drainage and Improvement of Lands (Ireland).	Amended	59
,, c. 112. - -	Telegraphs - - - -	Amended	76
* ,, c. 117. - -	Nuisances Removal Act - -	Repealed	52
27 & 28 Vict. c. 48. - -	Factories - - - -	Repealed	16
,, c. 101. s. 36. -	Highways - - - -	Repealed	77
,, c. 117. - -	Metric Weights and Measures - -	Repealed	49
*28 & 29 Vict. c. 75. - -	Sewage Utilization - - -	Repealed	52
,, c. 83. - -	Locomotives - - - -	Amended	58 and 77
,, c. 121. - -	Salmon Fisheries - - -	Amended	39
29 & 30 Vict. c. 4. - -	Cattle Disease (Ireland) - -	Repealed	74
,, c. 41. - -	Nuisances Removal - - -	Repealed	52
,, c. 82. - -	Weights and Measures - -	Repealed	49
,, c. 90. s. 19. in part	Sanitary Act, 1866 - - -	Repealed	16
* ,, c. 90. - -	Sanitary Act, 1866 - - -	Repealed	52
,, c. 96. - -	Bills of Sale - - - -	Repealed	31
30 & 31 Vict. c. 5. - -	Excise Duty on Dogs - - -	Amended	15
,, c. 94. - -	Weights and Measures (Dublin) -	Repealed	49
,, c. 102. - -	Representation of the People - -	Amended	3 and 26
,, c. 103. - -	Factories - - - -	Repealed	16
* ,, c. 113. - -	Sewage Utilization - - -	Repealed	52
,, c. 146. - -	Workshops Regulation - -	Repealed	16
31 & 32 Vict. c. 48. - -	Representation of the People (Scotland)	Amended	5
,, c. 115. - -	Sanitary Act, 1868 - - -	Repealed	52
32 & 33 Vict. c. 14. s. 11. -	Inhabited House Duty - - -	Repealed	15
,, c. 14. s. 38. -	Excise Duty on Dogs - - -	Repealed	15

* The Acts thus indicated (*) are repealed so far as relates to Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed or amended.	Subject-matter.	How affected.	Chapter of 41 & 42 Vict.
32 & 33 Vict. c. 41. - -	Poor Rates Assessment, &c. - -	Amended	26
„ c. 62. - -	Debtors - - - -	Amended	54
„ c. 70. in part. -	Contagious Diseases (Animals) -	Repealed	74
* „ c. 100. - -	Sanitary Loans Act, 1869 - -	Repealed	52
„ c. 102. - -	Metropolitan Board of Works - -	Amended	37
„ c. 112. - -	Adulteration of Seeds - - -	Amended	17
33 & 34 Vict. c. 10. s. 17. in part	Coinage Act, 1870 - - -	Repealed	49
„ c. 24. - -	Metropolitan Board of Works - -	Amended	37
„ c. 36. - -	Cattle Disease (Ireland) - -	Repealed	74
„ c. 62. - -	Factories and Workshops - -	Repealed	16
„ c. 67. - -	Army Enlistment - - -	Amended	10
„ c. 97. - -	Stamp Duty on Contract Notes -	Amended	15
34 & 35 Vict. c. 19. - -	Factories—Young persons professing the Jewish Religion.	Repealed	16
„ c. 47. - -	Metropolitan Board of Works - -	Amended	37
„ c. 103. in part -	Customs and Inland Revenue - -	Repealed	15
„ c. 104. - -	Factories and Workshops - -	Repealed	16
„ c. 109. in part -	Local Government (Ireland) - -	Repealed	52
35 & 36 Vict. c. 16. - -	Cattle Disease (Ireland) - -	Repealed	74
„ c. 33. - -	Ballot Act, 1872 - - -	Amended	41
„ c. 57. - -	Debtors (Ireland) - - -	Amended	54
„ c. 62. - -	Education (Scotland) - - -	Amended	78
„ c. 69. ss. 8, 9. -	Local Government (Ireland) - -	Repealed	52
36 & 37 Vict. c. 71. - -	Salmon Fisheries - - -	Amended	39
„ c. 78. - -	Sanitary Act (Ireland) Amendment -	Repealed	52
37 & 38 Vict. c. 6. - -	Cattle Disease (Ireland) - -	Repealed	74
„ c. 44. - -	Factories - - - -	Repealed	16
„ c. 45. in part -	County of Hertford, &c. - -	Repealed	50
„ c. 47. - -	Prison Authorities - - -	Amended	40
„ c. 93. - -	Public Health (Ireland) - -	Repealed	52
38 & 39 Vict. c. 30. - -	Glebe Loans (Ireland) - - -	Amended	6
„ c. 34. - -	Bishopric of St. Albans - -	Amended	68
„ c. 55. s. 4. in part	Public Health - - - -	Repealed	16
„ c. 55. - -	Public Health—Water Supply - -	Amended	25
„ c. 65. - -	Metropolitan Board of Works - -	Amended	37
„ c. 61. - -	Entail (Scotland) - - -	Amended	28
„ c. 75. - -	Contagious Diseases (Animals), Scotland	Repealed	74
„ c. 83. - -	Local Loans - - - -	Amended	18
„ c. 89. - -	Public Works Loans - - -	Amended	18
39 & 40 Vict. c. 19. - -	Salmon Fisheries - - -	Amended	39
„ c. 35. - -	Customs—Tobacco Duties - -	Amended	15
„ c. 36. - -	Customs Consolidation - -	Amended	15
„ c. 51. - -	Cattle Disease (Ireland) - -	Repealed	74
„ c. 54. - -	Bishopric of Truro - - -	Amended	44
„ c. 55. - -	Metropolitan Board of Works - -	Amended	37
„ c. 56. - -	Commons - - - -	Amended	56
„ c. 79. s. 8., and s. 48. in part.	Elementary Education Act, 1876 -	Repealed	16
40 & 41 Vict. c. 21. - -	Prisons - - - -	Amended	63
„ c. 27. - -	Public Works Loans—Lunatic Asylums	Amended	24
„ c. 49. - -	Prisons (Ireland) - - -	Amended	63
„ c. 52. - -	Metropolitan Board of Works - -	Amended	37
„ c. 53. - -	Prisons (Scotland) - - -	Amended	63
„ c. 57. - -	Supreme Court of Judicature—Commissions of Assize.	Amended	27
„ c. 65. - -	Fisheries (Dynamite) - - -	Amended	39

* The Acts thus indicated (*) are repealed so far as relates to Ireland.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Repeals effected by the Statute Law Revision Act, 41 & 42 *Vict. c.* 79.

Act repealed by 41 & 42 Vict. c. 79.	Subject-matter of Act repealed.
6 Anne, c. 41. (1) in pt.	Crown and Government Security.
c. 53. s. 26. (2)	Court of Exchequer in Scotland.
53 Geo. 3. c. 155. s. 89. in pt.	Prince of Wales Island.
6 Geo. 4. c. 85. in pt.	Prince of Wales Island.
7 Geo. 4. c. 16. s. 3. in. pt.	Chelsea and Kilmainham Hospitals.
9 Geo. 4. c. 58. s. 32.	Certificates for Sale of Beer, &c.
6 & 7 Will. 4. c. 13. s. 29. in pt.	Constabulary Force (Ireland).
2 & 3 Vict. c. 75. s. 2. in pt.	Constabulary Force (Ireland).
3 & 4 Vict. c. 61. s. 8. in pt.	Sale of Beer and Cider by Retail.
c. 96. in pt.	Duties of Postage.
5 & 6 Vict. c. 95. in pt.	Four Courts Marshalsea, Dublin, &c.
c. 106. in pt.	Irish Fisheries.
6 & 7 Vict. c. 32. in pt.	Grand Jury Presentments (Ireland).
c. 93. s. 26. in pt.	Municipal Corporations (Ireland).
7 & 8 Vict. c. 49. ss. 6, 8.	Colonial Posts.
c. 52. s. 3.	Parish Constables.
c. 67.	Duty on Licenses to Let Horses for Hire (Ireland).
c. 81. s. 82.	Marriages (Ireland).
c. 83. in pt.	Savings Banks, and Purchase of Government Annuities.
c. 90. s. 31.	Protection of Purchasers against Judgments.
c. 91. s. 70. in pt.	Turnpike Trusts (South Wales).
c. 107. in pt.	Offices attached to the Superior Courts of Law in Ireland.
8 & 9 Vict. c. 64. s. 3.	Retail of Spirits (Ireland).
c. 81. s. 8. in pt.	Grand Jury Presentments, Dublin.
c. 100. in pt.	Care and Treatment of Lunatics.
c. 112. in pt.	Granting of certain Leases for Terms of Years (Ireland).
10 & 11 Vict. c. 85. in pt.	Transmission of Letters by Post.
11 & 12 Vict. c. 2. in pt.	Crime and Outrage (Ireland).
c. 5. ss. 8, 9.	Government of the New Zealand Islands.
c. 21. ss. 88–90.	Insolvent Debtors (India).
c. 28. s. 15.	Imprisonment for Debt (Ireland).
c. 56.	Canada Union.
c. 92. s. 43.	Salmon Trout, and other Inland Fisheries of Ireland.
c. 113. ss. 2, 3. in pt.	Dublin Police.
c. 133.	Savings Banks (Ireland).
12 & 13 Vict. c. 48. s. 5.	Vancouver's Island.
c. 66. s. 7.	Colonial Posts.
c. 91. in pt.	Collection of Rates, Dublin.
c. 92. s. 11. in pt.	Prevention of Cruelty to Animals.
c. 96. s. 6.	Trial of Offences committed within Admiralty Jurisdiction.
13 & 14 Vict. c. 15. ss. 7, 8.	Courts of Appeal for certain West India Colonies.
c. 18. in pt.	Common Law Procedure (Ireland).
c. 59. s. 38.	Government of the Australian Colonies.
c. 69. in pt.	Parliamentary Voters (Ireland).
c. 74. in pt.	Office of Registrar of Judgments (Ireland).
c. 89. in pt.	High Court of Chancery (Ireland).
c. 92. s. 5. in pt.	Prevention of Cruelty to Animals (Scotland).

(1) Chap. 7 in ordinary editions. (2) Chap. 26, sect. 18, in ordinary editions.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act repealed by 41 & 42 Vict. c. 79.	Subject-matter of Act repealed.
14 & 15 Vict. c. 38. s. 4. in pt.	Relief of Turnpike Trusts.
c. 57. in pt.	Civil Bills and Courts of Quarter Sessions (Ireland).
c. 65. s. 2.	Grand Jury Cess (Ireland).
c. 83. s. 10.	Administration of Justice, Court of Chancery, &c.
c. 85. s. 5.	Constabulary Force (Ireland).
16 & 17 Vict. c. 5. in pt.	Stamp Duties on Patents for Inventions.
c. 34. s. 28. in pt.	Duties on Property, Professions, Trades, and Offices.
c. 41. in pt.	Common Lodging Houses.
c. 67. s. 17. in pt.	Public Houses (Scotland).
c. 70. in pt.	Proceedings under Commissions of Lunacy, &c.
c. 89. s. 3.	Admission of Professors to Lay Chairs in Universities of Scotland.
c. 95. in pt.	Government of India.
c. 115. in pt.	Patent Law Amendment.
17 & 18 Vict. c. 77. in pt.	Letters Patent, &c. (India).
c. 102. s. 33.	Bribery, Treating, &c. at Elections.
c. 104. in pt.	Merchant Shipping.
18 & 19 Vict. c. 53.	Haileybury College.
c. 93. ss. 1–4.	Court of Judicature of Prince of Wales Island, Singapore, &c.
c. 116. s. 13.	Prevention of Diseases.
c. 134. in pt.	Court of Chancery.
21 & 22 Vict. c. 97. s. 4. in pt.	Public Health.
c. 106. in pt.	Government of India.
22 & 23 Vict. c. 22. in pt.	Constabulary (Ireland).
23 & 24 Vict. c. 110.	Duties of Customs.
24 & 25 Vict. c. 14. s. 9. in pt.	Savings Banks.
c. 21. s. 3. in pt.	Duties of Excise and Stamps.
c. 45. s. 18. in pt.	Formation and Maintenance of Piers and Harbours.
c. 67. in pt.	Governor General of India.
c. 104. in pt.	High Courts of Judicature (India).
c. 112. s. 10.	Appropriation of Seats vacated by Disfranchisement of Sudbury and Saint Alban.
25 & 26 Vict. c. 63. in pt.	Merchant Shipping and Customs Consolidation Acts.
26 & 27 Vict. c. 12. in pt.	Abolition of Office of Secretary at War, &c.
c. 88. s. 38. in pt.	Drainage and Improvement of Lands in Ireland.
c. 89. s. 1.	Removal of Poor Persons, Natives of Ireland, from England.
c. 102.	Duty on Rum.
27 & 28 Vict. c. 92.	Appointment of Persons to Offices in certain Governing Bodies.
28 & 29 Vict. c. 5. in pt.	Incorporation of British Kaffraria with the Cape of Good Hope.
c. 15. s. 2, 5.	High Courts in India.
c. 17. s. 3.	Governor General of India, &c.
29 & 30 Vict. c. 36. in pt.	Duties of Customs and Inland Revenue.
c. 67. in pt.	Union of Vancouver Island with British Columbia.
c. 103. in pt.	Constabulary Force (Ireland).
30 & 31 Vict. c. 36. in pt.	Chester Quarter Sessions, &c.
c. 105. in pt.	Councils of Conciliation between Masters and Workmen.
c. 122. in pt.	Courts of Justice, &c.
31 & 32 Vict. c. 36.	Making perpetual the Alkali Act, 1863.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Repeals effected by the Statute Law Revision (Ireland) Act, 41 & 42 Vict. c. 57.

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
3 Edw. 2. c. 2.	Against the keeping of idle Men and Kearns in time of Peace.
c. 3.	Against giving of Protections.
c. 4.	Against fraudulent Conveyances.
c. 5.	Justices of Assize shall deliver Estreates into the Exchequer.
18 Hen. 6. c. 1.	Against the Extortion of Purveyors and Harbengers.
c. 2.	Concerning such as put themselves into Comrick.
c. 4.	That no Protection shall be granted before that the Party make Oath that the Cause containeth Truth, &c.
25 Hen. 6. c. 1.	That the King's Officers may travel by Sea from one Place to another within Ireland.
c. 2.	That the King's Subjects or Officers in Ireland may be absent by Commandment of the King, &c. without seizure of their Lands, &c.
c. 7.	That the Sons of Labourers and Travailers of the Ground shall use the same Labours and Travails that their Fathers and Parents have done.
c. 8.	That no Lord of Parliament shall be amerced in Plees real or personal otherwise than another Person.
c. 9.	Concerning Absentees.
28 Hen. 6. (Dublin), c. 2.	Accuser shall find Surety for damages of the Accused.
c. 4.	That the Chancellor, Justices or Barons, or their Ministers, shall make forth no Writts of Privilege, &c.
28 Hen. 6. (Drogheda), c. 1.	That no Remembrancer nor his Deputy shall cause any process to be made against any that hath Discharge of Record in the Exchequer.
c. 2.	No Commission shall be made out of the Chancery to hear and determine, in counties of Dublin, Kildare, &c., except that the Chancellor, &c. be in the Commission.
c. 3.	Sale of Wine, &c.
32 Hen. 6. c. 1.	That all Statutes made against Provisours shall be had and kept in force.
c. 2.	For Discharge of the Jurors in Inquisitions upon Sight of the Bodies before Coroners, being at two several Days sworn that they do not know the Felon.
c. 3.	That the Matter of every Appeal shall be declared before the Governor and Council, &c.
33 Hen. 6. c. 1.	Commissioners prohibited to award Exigents.
c. 2.	Recorders or Clerks of Dublin and Drogheda shall have but two Pence for the Copy of a Plaint.
c. 4.	Concerning Commissioners and Escheators.
36 Hen. 6. c. 2.	Concerning the inclosing of Towns and Villages.
38 Hen. 6. c. 1.	Concerning the suing of Actions in the Exchequer.
2 Edw. 4. c. 1.	Certain Money shall be received of the Profits of the Courts for repairing the Hall of the Castle.
3 Edw. 4. c. 1.	Privilege of Lords and Commons of the Parliament.
c. 2.	What Fees Attornies in the King's Court shall take, &c.
5 Edw. 4. c. 1.	Like Challenges shall be made touching the Feoffee to Use as should be touching him to whose Use he standeth infeoffed.
c. 3.	Irishmen dwelling in the Counties of Dublin, Myeth, Vriel, and Kildare shall go apparelled like Englishmen, &c.
c. 4.	Every Englishman and Irishman that dwelleth with Englishmen and speaketh English, between sixty and sixteen in years, shall have an English Bow and Arrows.
c. 5.	For having a Constable in every Town, and a pair of Butts for shooting.
7 Edw. 4. c. 1.	The Governour for the Time being may pass into Islands.
c. 3.	Letters Patent of Pardon from the King to those that sue to Rome for certain Benefices is void.
c. 4.	For removing of the Exchequer and Common Pleas.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
8 Edw. 4. c. 2.	Against Ingrossers and Regrators of Corn.
12 Edw. 4. c. 1.	Prohibiting Staple Wares to be carried into Scotland without paying Custome.
c. 3.	That no grain be laden out of the Realm unless at a certain Price.
18 Edw. 4. c. 2.	Concerning the choosing of Knights and Burgesses of Parliament.
20 Edw. 4. c. 1.	To restrain the carrying of Hawkes out of this Kingdom.
8 Hen. 7. c. 1.	For the cleansing of the Watercourse in St. Patrick's Street.
10 Hen. 7. c. 2.	That the Chancellor, Treasurer, Judges, &c. have their offices only during the King's Will and Pleasure.
c. 3.	Adnulling a Prescription which Traytors and Rebels claimed within this Land.
c. 4.	That no Parliament be holden in this Land until the Acts be certified into England.
c. 5.	Against Provisors to Rome.
c. 6.	That no Citizen receive Livery or Wages of any Lord or Gentleman.
c. 7.	That none be admitted Alderman, Juror, or Freeman in no Town, but if he have been Prentice or Inhabitant in the same.
c. 8.	For the Confirmation of the Statutes of Kilkenny.
c. 9.	That the Subjects of this Realm shall have Bows and other Armour.
c. 10.	That the Captains of the Marches do certifie the Names of such as they have in their Retinue.
c. 11.	That no Person take Money or Amends for the Death or Murder of his friend or kinsman, other than the King's Laws will.
c. 12.	That no Great Ordinances be in no Fortress but by the Licence of the Deputy.
c. 13.	That no Person stir any Irishry to make War.
c. 15.	Touching the keeping of Records of the Earldomes of Marche, Connaght, Trym, and Ulster.
c. 16.	Lords of the Parliament to wear Robes.
c. 18.	For Extirpation of a new Maner of Coyn and Livery upon Pains comprised in the Statute of Kilkenny.
c. 19.	Rate Souldiers shall pay for their Meat and Drink in Time of Hostility.
c. 20.	Abolishing the Words Cromabo and Butlerabo.
c. 23.	Repealing a Parliament holden at Drogheda before Robert Prestone, Lord of Gormanstowne.
14 Hen. 7. c. 1.	For punishing of Customers, &c. for their Misdemeanors.
15 Hen. 7. c. 1.	Twelve pence levied by the King out of every twenty shillings worth of Wares brought into Ireland, &c.
7 Hen. 8. c. 1.	For and against such as sue Letters under the Privy Seal out of England.
25 Hen. 8. c. 1.	For Lezers of Corn.
c. 2.	For the Uniting and Appropriation of the Parsonage of Galtrime to the Priory of St. Peter's by Trymme.
28 Hen. 8. c. 2. in pt.	Succession of the King and Queen Anne.
c. 3.	Absentees.
c. 4.	Repeal of Poyning's Act.
c. 11.	Restraining Tributes to be given to Irishmen.
c. 12.	Against Proctors to be any member of the Parliament.
c. 13.	Against the authority of the Bishop of Rome.
c. 15.	For the English Order, Habite, and Language.
c. 16.	For the Suppression of Abbeyes.
c. 18. in pt.	For the Proofe of Testaments.
c. 19.	Faculties.
c. 21.	Penal Statutes.
c. 24.	Leasers of Corn.
c. 25.	Leases.
c. 26.	First Fruites of Abbeyes, Priories, and Colleges.
c. 27.	Subsidie.
33 Hen. 8. c. 3.	That the Plaintife may abridge his Plaint in Assize.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
33 Hen. 8. (*cont.*)	
c. 4.	That Consanguinity or Affinity being not within the fifth Degree shall be no principal Challenge.
c. 8.	Capacities.
c. 11.	Recoverie in avoyding Leases.
c. 12.	Tythes.
c. 13.	Attournments.
c. 14.	Erecting of Vicarages.
c. 15.	Vagabonds.
33 Hen. 8. sess. 2. c. 1.	Adjournment of the Parliament and the Place to hold the same, &c.
c. 3. in pt.	Mispleading and Jeoyfailes.
c. 4.	Lands given by the King.
c. 5. in pt.	Suppression of Kylmaynham and other Religious Houses.
c. 2.	That for Persons standing bound in any Court for their Appearance, and being in Service to be discharged by Writt.
3 & 4 Philip and Mary. c. 2. in pt.	That the King and Queen's Majesties be entituled to the Countries of Leix, Slewmarge, Irry, Glinmaliry, and Offaily, &c.
c. 3.	To convert and turne divers and sundry Waste Grounds into Shire Grounds.
c. 4.	Declaring how Poning's Acte shall be exponed and taken.
c. 5.	Against Corsors and Idle men.
c. 7.	Against making of Aqua vitæ.
c. 8.	Repealing Statutes made against the See of Rome.
c. 11. in pt.	Certeine Offences made Treasons, &c.
c. 12.	Subsidye.
c. 13.	Declaringe the Queen's Highnes to have bene born in a most just and lawfull Matrimony, &c.
2 Eliz. c. 3.	Restitution of First Fruits, &c.
c. 4.	Conferring and consecrating of Archbishops and Bishops.
c. 5.	Recognition of the Queene's Highnesse Title to the Imperial Crowne of this Realme.
c. 6. in pt.	Certaine Offences made Treason.
11 Eliz. sess. 1. c. 1.	Subsidie.
c. 5.	For reviving the Statute against Gray Merchants, &c.
c. 7.	The Acte of retayninge of Scotts shall not extende to the Governours of this Realme.
11 Eliz. sess. 2. c. 1.	Authorising Statutes to be made concerning the government of the Common Weale,
11 Eliz. sess. 3. c. 2.	Making of Trinitie Term shorter, &c.
c. 4.	Preservation of Salmon Frie and Ele Frie.
c. 5.	Laying of Hemp, Flax, and lymed Hydes in any fresh Waters or Rivers.
c. 6.	Authorising the Governour to present to the dignities of Mounster and Connaght.
c. 7.	Taking away Captainships from the Lords and Great Men of this Realm.
c. 8.	That there be no Bill certified into England for the repeal or suspending of Poyning's Act, &c.
c. 9.	Turning of Countries that be not yet Shire Grounds into Shire Grounds.
11 Eliz. sess. 4. c. 1.	Giving order for bringing in of Wines into this Realm, &c.
13 Eliz. c. 4.	Authorising the Primat of Ardmagh to set his Landes and Possessions in the Irish Pale for Years without assent of his Chapiter.
28 Eliz. c. 1. in pt.	Concerning wilfull Perjurie.
c. 3.	Against forging of Evidences, &c.
c. 5.	Concerning the avoyding of fraudulent Conveyances made by the late Rebels in Ireland.
11, 12, & 13 Jas. 1. c. 1.	Recognition of His Majestie's Right and Title to the Crown of Ireland.
c. 2. s. 3.	Punishing of Pirates and Robbers on the Sea.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 79.	Subject-matter of Act repealed.
11, 12, & 13 Jas. 1. (*cont.*)	
c. 5.	Repeale of diverse Statutes concerning the Natives of this Kingdom.
c. 6.	Repeale of one Statute made against bringing in of Scotts, &c.
c. 9.	For the King's Majestie's most gracious, general, and free Pardon.
c. 10.	Grauntinge of one entire Subsidie by the Temporaltye.
10 Car. 1. c. 1.	Grant of four entire Subsidies by the Temporalty.
c. 2.	Further granting of two entire Subsidies by the Temporalty.
c. 4.	The Session of Parliament shall not determine by his Majestie's Roya Assent to some Bills.
10 Car. 1. sess. 2. c. 1. in pt.	Order for Uses, Wills, and Enrollments.
c. 3. in pt.	Against covenous and fraudulent Conveyances.
c. 4. s. 3.	Concerning Grantees of Reversions, to take Advantage of Breaches o Conditions, &c.
c. 6. in pt.	Limitation of Actions, &c.
c. 7.	That wrongfull Disseizin, &c. is no Descent in Law.
c. 9.	Touching Proclamations upon Fines.
c. 10.	For the Reformation of Errors in Fines and Recoveries.
c. 11.	For expedition of Justice in cases of Demurrers, &c.
c. 12.	For reformation of Jeofails, &c.
c. 14. s. 2.	For the Continuance of Actions after the Death of any King.
c. 15.	Like Process shall be had in every Writ of Annuitie as in an Action Debt.
10 Car. 1. sess. 3. c. 1.	For Maintenance and Execution of Pious Uses.
c. 4.	For the Naturalization of all the Scottish Nation, which were Ante Nati, born before the Accession of His late Majestie King James, &c
c. 5.	Confirmation of Leases made by the Lord Primate and other Bishops.
c. 6.	Lessees shall enjoy their Farmes against Tenants in Taile, &c.
c. 8.	To avoyde unnecessary delayes of Execution.
c. 11.	Avoyding of Recoveries suffered by Collusion by Tenants for Tearm of Life and such others.
c. 12.	Avoyding of Secret Summons in Reall Actions.
c. 15. in pt.	Against Maintenance, Embracery, &c., and against unlawful buying Titles.
c. 18. s. 3.	Swearing of Under-sheriffs and other Officers.
c. 19.	To prevent Extortions in Sheriffes, Under-sheriffes, &c.
c. 21.	Certain Nobility of the Kingdom dwelling in England or elsewhe out of the Realm made liable to certain Charges.
c. 22.	To repeal a Statute of King Edward the Fourth concerning bringin Bowes into this Realme.
c. 23.	Granting of eight entire Subsidies by the Prelates and Clergie Ireland.
10 & 11 Car. 1. c. 1.	To prevent and reform prophane Swearing and Cursing, &c.
c. 2.	To enable Restitution of Impropriations, Tithes, and other Righ Ecclesiastical, &c.
c. 4.	For the erecting of Houses of Correction, &c.
c. 6.	For repeale of divers Statutes.
c. 7. s. 2.	Explanation of Stat. Ed. 4. respecting Distresses for Rent.
c. 13.	For the following of Hue-and-Cry.
c. 14.	Concerning errors in Records of Attainder of High Treason, &c.
c. 16.	For the suppressing of Cosherers and Idle Wanderers.
c. 18.	Restraining the Abusive taking and distrayning for Herriots.
c. 19.	For the King's Majesty's most gracious general and free Pardon.
15 Car. 1. c. 2.	For abridging of Proclamations upon Fines, &c.
c. 4.	Touching the finding of Offices before the Escheator, &c.
c. 5.	Against Discontinuance of Writs of Error in the Court of Exchequ &c.
c. 8.	Punishing of Offenders in Dublin against the Act relating to Keepe of Ale-houses, &c.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
15 Car. 1. (*cont.*)	
c. 10.	For remedy of Errors and Defects in Fines and common Recoveries.
c. 12.	20th Parts and other Somms payable by Persons Ecclesiastical.
c. 13.	For the Grant of Four intire Subsidies by the Temporalty.
c. 14.	That the Session of Parliament shall not determine by the Royal Assent to Bills.
13 Car. 2. c. 1.	Recognition of His Majestie's undoubted Title to the Crown of Ireland.
c. 2.	Confirmation of Judicial Proceedings.
c. 3.	Continuance of Process and Judicial Proceedings.
c. 4.	That the Session of Parliament shall not determine by the Royal Assent to Bills.
13 Car. 2. sess. 2. c. 1.	Speedy raysing of Mony for His Majestie's Service.
c. 2.	That the Sessions of Parliament shall not determine by the Royall Assent to Bills.
14 Car. 2. sess. 3. c. 1.	Continuances of the Customes, Excise, and New Impost.
14 & 15 Car. 2. sess. 4. c. 6.	Grant of Foure entire Subsidies by the Temporallity.
c. 7.	Graunts of Eight entire Subsidies by the Temporallitie.
c. 8.	Settling of the Excise or New Impost upon His Majestie.
c. 10. in pt.	For real Union and Division of Parishes and concerning Churches, &c.
c. 11.	Customs, Excise, and New Imposts to be continued.
c. 15.	That the Sessions of Parliament shall not determine by the Royall Assent to Bills.
c. 17.	Establishing an additional Revenue upon his Majestie, &c.
c. 18.	Licenses for the selling of Ale and Beer.
c. 19. ss. 17–19.	Taking away the Court of Wards and Liveries, &c.
c. 22.	For the raising of Twenty-three thousand and five hundred pounds sterling.
c. 24.	Granting of Eight Subsidies by the Prelats and Clergy of Ireland.
17 & 18 Car. 2. c. 1.	Grant of Four entire Subsidies by the Temporalty.
c. 3.	Confirmation of Marriages.
c. 10.	Disabling of Spiritual Persons from holding Benefices in England or Wales and in Ireland at same time.
c. 11. s. 4.	Preventing Delays in extending Statutes, Judgments, and Recognizances.
c. 12.	Preventing Arrests of Judgment and superseding Executions.
c. 13.	Concerning Tythings, Oblations, and Mortuaries.
c. 17.	Granting Foure entire Subsidies by the Temporallitie for defence of the Kingdome.
c. 18.	Better ordering and collecting the Revenue arising by Hearth-money.
c. 19.	Better ordering the selling of Wines and Aqua-vitæ, &c.
25 Car. 2.	Rules, Orders, and Directions for better regulating several Cities, Towns, &c.
4 Will. & Mary, c. 2.	Encouragement of Protestant Strangers to settle in the Kingdom.
c. 3.	Additional Duty of Excise upon Beer, Ale, and other Liquors.
7 Will. 3. c. 1.	Additional Duty of Excise upon Beer, Ale, and other Liquors.
c. 2. s. 2.	Taking away the Writ de heretico comburendo.
c. 5.	For better securing the Government by disarming Papists.
c. 9. in pt.	For more effectual suppressing of profane Cursing and Swearing.
c. 10.	To take away Damage Clear.
c. 13. in pt.	For the more easy discharging of Sheriffs upon their Accounts, &c.
c. 14.	Declaring which Days in the Year shall be observed as Holydays.
c. 15.	Granting a Supply to His Majesty.
c. 16.	Granting to His Majesty an Aid or additional Custom on several Goods and Merchandizes.
c. 17. in pt.	For the better Observation of the Lord's Day.
c. 19.	Granting tales on Tryals to be had in the Court of the County Palatine of Tipperary.
c. 20.	Concerning Fines in the County Palatine of Tipperary.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
7 Will. 3. (*cont.*)	
c. 21.	Better suppressing Tories, Robbers, and Rapparees.
c. 23.	Continuing the Statute for an additional Excise upon Beer, &c.
c. 25.	Prevention of Vexations and Oppressions by Arrests, &c.
9 Will. 3. c. 1.	Banishing all Papists exercising any Ecclesiastical Jurisdiction,
c. 4.	Granting an additional Duty on Tobacco, &c.
c. 8.	Granting a Supply to His Majesty by raising Money by way of a Poll.
c. 9.	For better Execution of the Act for better suppressing Tories and Rapparees.
c. 12.	For more easy obtaining Partition of Lands in Coparcenary, Jointenancy, &c.
c. 13. ss. 5, 6.	Avoiding of vexatious Delays caused by removing Actions and Sutes out of inferior Courts.
c. 14.	For Redress of certain Abuses in making Pewter and Brass.
c. 17.	For erecting and continuing Lights in the City of Dublin.
10 Will. 3. c. 1.	For Relief and Release of poor distressed Prisoners for Debt.
c. 3.	For raising One hundred and twenty thousand Pounds on Lands.
c. 4.	To compleate the Supply to His Majesty.
c. 5.	For laying an additional Duty upon Woollen Manufactures exported.
c. 8. in pt.	For the preservation of Game.
c. 13.	Preventing Papists being Solicitors.
2 Anne, c. 1.	Additional Duty of Excise upon Beer, Ale, and other Liquors.
c. 3.	Preventing Popish Priests from coming into the Kingdom.
c. 4.	Continuing additional Excise on Beer, &c.
c. 6. s. 25.	Preventing the further Growth of Popery.
c. 7.	For registering the Popish Clergy.
c. 9.	For quieting Ecclesiastical Persons in their Possessions.
c. 11.	For building several Parish Churches in more convenient Places.
c. 12.	For the reviving an Act for taking away Benefit of Clergy, &c.
c. 13.	For continuing two Acts against Tories, Robbers, and Rapparees.
c. 15. in pt.	Prohibiting Butchers from being Graziers, &c.
c. 18.	For recovery of Small Debts.
4 Anne, c. 1.	Granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, &c.
c. 2.	Amending the Act for registring the Popish Clergy.
c. 3.	Repealing an Act for the Advancement of the Trade of Linnen Manufacture.
c. 8. in pt.	To regulate the taking and exacting Tolls throughout this Kingdom, &c.
c. 10.	To prevent Fees being taken in certain Cases.
c. 11. in pt.	Against Horse-stealing, &c.
c. 12. in pt.	To repeal the Statute against multiplying Gold and Silver, &c.
c. 13.	For the Relief of poor Prisoners for Debt.
c. 14. in pt.	For regulating the Weights used in this Kingdom, &c.
6 Anne, c. 1.	For granting an additional Duty on Beer, Ale, Strong Waters, &c.
c. 3.	Continuing an Act for the more easy obtaining Partitions of Lands in Coparcenary, Joint-tenancy, &c.
c. 5.	Amending and continuing an Act for the Recovery of Small Debts.
c. 6.	To explain and amend an Act to prevent Papists being Solicitors.
c. 10. in pt.	For the Amendment of the Law, and the better Advancement of Justice.
c. 12. s. 1. in pt.	Continuing of divers Laws and Statutes, &c.
c. 13.	Impowering Justices of the Peace to determine Disputes about Servants Wages, &c.
c. 14. in pt.	Preventing the Disorders that may happen by the marching of Soldiers, and providing Carriages for Baggage of Soldiers in their March.
c. 17. in pt.	Suppressing Lotteries and Gaming Tables.
c. 18.	Encouraging the Exportation of Corn.
8 Anne, c. 1.	Securing the Payment of such Duties as shall be granted this Session.
c. 2.	Granting an additional Duty on Beer, Ale, Strong Waters, &c.
c. 4. s. 2.	To enable Posthumous Children to take Estates.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
8 Anne (*cont.*)	
c. 5. s. 5.	To prevent Delays of Proceedings at the Assizes and Sessions.
c. 7.	For better preventing Escapes out of the Prison of the Marshalsea.
9 Anne, c. 1.	For better securing the Payment of such Duties as shall be granted this Session.
c. 2.	Granting to Her Majesty an additional Duty on Beer, Ale, Strong Waters, &c.
c. 6. s. 8.	For taking away the Benefit of Clergy in certain Cases, &c.
c. 7. in pt.	Making perpetual the Act to prohibit Butchers from being Graziers, &c.
c. 8. in pt.	Better securing of Rents and preventing Frauds by Tenants.
c. 10.	Relief of Insolvent Debtors.
c. 11.	To prevent the maiming of Cattle.
11 Anne, c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, &c.
c. 4.	For more effectual preventing the Ingrossing, Forestalling, and Regrating of Coals.
c. 6. in pt.	For suppressing Lotteries.
c. 8. in pt.	For amending Statutes for prohibiting Under-Sheriffs and Sheriffs Clerks officiating as Sub-Sheriffs or Sheriffs Clerks more than one year.
2 Geo. 1. c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, &c.
c. 2.	Recognising His Majesty's Title to the Throne of Great Britain, France, and Ireland.
c. 3.	Granting an additional Duty on all Wines and Strong Waters, &c.
c. 4.	To attaint the Pretender and his adherents, &c.
c. 5. s. 4. in pt.	Preventing mischiefs that may happen by Fire.
c. 7.	Continuing the additional Duty on Beer, Ale, Strong Waters, &c.
c. 8. in pt.	For extinguishing the Regalities and Liberties of the County of Tipperary, &c.
c. 12.	To encourage the draining and improving the Bogs and unprofitable Low Grounds.
c. 14.	For real Union and Division of Parishes.
c. 16. in pt.	For the more effectual Amendment of the Law in relation to Butter, &c.
c. 17. in pt.	To impower Justices of the Peace to determine Disputes about Servants, Artificers, &c.
c. 18.	Preventing Abuses and Deceits by importing of Brandy in small quantities.
c. 19. s. 9.	Preventing fraudulent Conveyances in order to multiply votes for electing Members to serve in Parliament.
c. 20. s. 4.	To limit the Time for criminal Prosecutions for words spoken.
c. 23.	For relief of Insolvent Debtors.
c. 24.	Changing the Scite of the Parish Church of St. Werburgh's, Dublin.
4 Geo. 1. c. 1.	Continuing the additional Duties on Beer, Ale, Strong Waters, Tobacco, &c.
c. 2.	Continuing an additional Duty on all Wines, &c.
c. 3.	Taking away the Oath, commonly called the Little Oath, on Members of Corporations.
c. 7. in pt.	For vesting in His Majesty all lands whereon barracks, &c. shall be built, &c.
c. 8. s. 1.	To oblige all Officers to return a List of their Fees by a day certain.
c. 9. in pt.	Reviving, continuing, &c. several temporary Statutes.
c. 10.	Limiting Times within which Writs of Error shall be brought for reversing Fines.
c. 11.	For the better Amendment of the Pavements, &c. in Dublin, &c.
6 Geo. 1. c. 1.	Abbreviating Michaelmas Term and settling the Commencement thereof.
c. 3.	Continuing the Act to make the Militia more useful.
c. 4.	Continuing to His Majesty the additional Duties on Beer.
c. 5. in pt.	Exempting the Protestant Dissenters of the Kingdom from certain Penalties.
c. 6. ss. 5–17.	To prevent Delays in Writs of Error.
c. 10.	Better regulating Parish Watches and amending the Highways, &c.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
6 Geo. 1. (*cont.*)	
c. 11.	Better securing the Rights of Advowson and Presentation to Benefices.
c. 12.	Better and more effectual apprehending and transporting Felons and others.
c. 13.	Better maintenance of Curates within the Church of Ireland.
c. 14.	Amending and enforcing a clause contained in an Act to enable Restitution of Impropriations, and Tithes and other Rights ecclesiastical to the Clergy.
c. 15. in pt.	For more effectual Amendment of the Pavements of the Cities and Towns in this Kingdom, &c.
c. 17.	For the Relief of Insolvent Debtors.
c. 18.	Erecting and continuing Lights in the City of Dublin, &c.
8 Geo. 1. c. 1.	For granting and continuing the additional Duties on Beer, Ale, Strong Waters, &c.
c. 3.	To oblige Ships coming from infected Places to perform Quarantine.
c. 5. s. 1. in pt.	To oblige Proprietors and Tenants of neighbouring Lands to make Fences.
c. 6. in pt.	For the further Amendment of the Law, and continuing several Acts near expiring.
c. 7.	For the further Amendment of the Laws in relation to Butter and Tallow Casks, Hides, &c.
c. 9.	Amending an Act for the better and more effectual apprehending and transporting Felons, &c.
c. 10.	Continuing and amending the Act for regulating the Parish Watches, &c.
c. 12. ss. 9, 10.	For better enabling the Clergy having Cure of Souls to reside upon their Benefices.
c. 15. s. 3. in pt.	Explaining and amending Two Acts in relation to the Publick Registring of Deeds.
c. 16.	Amending the Act for erecting Lights in the City of Dublin, &c.
10 Geo. 1. c. 1.	For granting and continuing the additional Duties on Beer, &c.
c. 3.	Continuing the Act for better regulating the Parish Watches and amending the Highways in the Kingdom.
c. 4.	Continuing several temporary Statutes.
c. 6.	Explaining and amending an Act for real Union and Division of Parishes, &c.
c. 8.	For accepting the solemn Affirmation or Declaration of the people called Quakers.
c. 9.	Continuing and amending of the Laws in relation to Butter and Tallow, &c.
c. 10. in pt.	Regulating abuses committed in buying and selling of Cattle and Sheep.
c. 11.	For the Relief of Insolvent Debtors.
12 Geo. 1. c. 1.	Granting and continuing the additional Duties on Beer, &c.
c. 2.	To prevent the fraudulent and clandestine importing of Goods.
c. 3. ss. 2, 3.	To prevent Marriages by degraded Clergymen and Popish Priests, &c.
c. 4. in pt.	For better regulating the office of Sheriffs.
c. 5.	Explaining and amending the Act for continuing and amending the Laws in relation to Butter and Tallow.
c. 6.	Continuing several temporary Statutes, &c.
c. 8.	For the more effectual transporting Felons and Vagabonds.
c. 9.	For more effectual erecting and better regulating of Free Schools.
c. 10. in pt.	To amend and explain the Act to encourage building of Houses and other Improvements on Church Lands.
1 Geo. 2. c. 1.	Granting and continuing additional Duties on Beer, &c.
c. 4.	Granting additional Duty on Beer, &c.
c. 5.	For accepting the solemn Affirmation or Declaration of the People called Quakers.
c. 6.	Preventing Frauds and Abuses in His Majesty's Customs and Excise.
c. 7.	To continue the Parliament for the time being on the Demise of His Majesty.
c. 8. in pt.	Preventing Inconveniences that may happen by Privilege of Parliament.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
1 Geo. 2. (*cont.*)	
c. 9.	Regulating the Election of Members of Parliament.
c. 12.	Recovery of Tythes and other Ecclesiastical Dues of small Value.
c. 15.	Rendering more effectual the Act for the better enabling the Clergy to reside upon their Benefices.
c. 16.	Regulating the Price and Assize of Bread and the Markets.
c. 17.	Continuing several temporary Statutes.
c. 18. in pt.	To enable Archbishops, Bishops, and other Ecclesiastical Persons and Corporations to grant Patronage, &c.
c. 19.	Repealing a Clause in the Act for real Union and Division of Parishes.
c. 22. ss. 2. 3., in pt.	Explaining and amending the Act for the better Maintenance of Curates.
c. 23.	Better securing the Rights of Advowson and Presentation to Ecclesiastical Benefices.
c. 25.	For the Relief of Insolvent Debtors.
c. 26.	For the more speedy and effectual inclosing the Strand on the North Side of the River Anna-Liffey.
c. 27. in pt.	Better regulating the Workhouse of the City of Dublin, &c.
3 Geo. 2. c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, &c.
c. 2.	Granting a further additional Duty on Wine, &c.
c. 3.	For the Encouragement of Tillage, &c.
c. 4. in pt.	For more effectual preventing and further Punishment of Forgery, Perjury, &c.
c. 5.	Continuing several temporary Statutes.
c. 6.	Allowing further time to Persons in Offices to qualify themselves pursuant to the Act to prevent the further Growth of Popery.
c. 7.	Better Discovery of Judgments in the Courts of King's Bench, Common Pleas, and Exchequer at Dublin.
c. 8.	Purchase of the Interests of Persons intitled to the Houses, &c. adjoyning to the new Parliament House.
c. 9. in pt.	Further explaining and amending several Statutes for prohibiting Under Sheriffs, &c. from officiating more than one year, &c.
c. 10.	Explaining the Act to prevent the Disorders that may happen by the marching of Soldiers on their March, &c.
c. 11.	For better keeping Churches in Repair.
c. 14. in pt.	To prevent unlawful Combinations of Workmen, Artificers, and Labourers, &c.
c. 15. s. 3. in pt.	Tryal of Criminals in the County of the City of Dublin, &c.
c. 16.	Better regulating the Fees of Justices, and disabling Alderman Thomas Wilkinson and Alderman Thomas Bolton from acting as Justices.
c. 20.	For the relief of Insolvent Debtors.
c. 22.	Explaining and amending the Act for erecting and continuing Lights in the City of Dublin, &c.
5 Geo. 2. c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, &c.
c. 2.	Further additional Duty on Wine.
c. 3.	Better securing and collecting His Majesty's Revenue.
c. 4. in pt.	Further explaining and amending the Laws for preventing Frauds committed by Tenants, &c.
c. 5.	Allowing further Time to Persons to qualify themselves pursuant to the Act to prevent the further Growth of Popery.
c. 6.	For continuing several temporary Statutes.
c. 9. in pt.	To encourage the Improvement of barren and waste Land and Bogs.
c. 13.	For better Regulation and Government of Seamen in the Merchants' Service.
7 Geo. 2. c. 1.	For granting and continuing to His Majesty an additional Duty on Beer, Ale, Strong Waters, &c.
c. 2.	Granting a further additional Duty on Wine.
c. 3.	Continuing and amending an Act for more effectual preventing Frauds in the Customs and Excise.
c. 4.	Allowing further Time to Persons to qualify themselves pursuant to the Act to prevent the further Growth of Popery.

Table B.—Acts of former Sessions repealed and amended—*continued.*

Act of the Irish Parliament repealed by 41 & 42 Vict. c. 57.	Subject-matter of Act repealed.
7 Geo. 2. (*cont.*)	
c. 5. in pt.	For the Amendment of the Law in relation to Popish Solicitors, &c.
c. 6.	To prevent Persons converted from the Popish to the Protestant Religion, and married to Popish Wives, or educating their Children in the Popish Religion, from acting as Justices of the Peace.
c. 7.	Continuing several temporary Statutes.
c. 9. in pt.	To prevent Frauds and Abuses in Bay Yarn exported to Great Britain.
c. 12.	Encouragement of Tillage.
c. 13.	Encouraging the Home Consumption of Wooll, by burying in Woollen only.
c. 14. s. 7.	For the Relief of Mortgagees.
c. 15.	For the buying and selling of Corn.
c. 17.	Making more effectual an Act for repairing the Road from Naas to Maryborough.
9 Geo. 2. c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, Wine, &c.
c. 2.	Granting further additional Duty on Wine, &c.
c. 3.	For the better regulating of Juries.
c. 5.	For the more effectual assigning of Judgments, &c.
c. 6. in pt.	For continuing and amending several expiring Statutes.
c. 10.	For preventing Frauds and Abuses committed in the Sale of Drugs and Medicines.
c. 16.	For accepting the solemn Affirmation or Declaration of the People called Quakers.
c. 20.	For the Relief of Insolvent Debtors.
11 Geo. 2. c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, Wine, &c.
c. 2.	Granting a further additional Duty on Wine, &c.
c. 3.	Continuing and amending several Laws relating to His Majesty's Revenue.
c. 6. in pt.	All Proceedings in Courts of Justice within the Kingdom shall be in the English Language.
c. 10.	Allowing further Time to Persons to qualify themselves pursuant to the Act to prevent the further Growth of Popery, &c.
c. 11.	Buying and selling of Corn.
c. 12.	Better Preservation of the Game.
c. 13.	Reviving, continuing, &c. several temporary Statutes.
c. 14.	Encouragement of the Fishery of the Kingdom.
c. 16.	For the relief of Insolvent Debtors.
c. 19.	For explaining several Acts for erecting Lamps in the City of Dublin.
13 Geo. 2. c. 1.	Granting an additional Duty on Beer, Ale, Strong Waters, Wine, Tobacco, &c.
c. 2.	Granting a further additional Duty on Wine, &c.
c. 3.	Continuing and amending several Laws relating to His Majesty's Revenue.
c. 4.	For the continuing several temporary Statutes.
c. 5.	To continue and amend the Act for the better regulating of Juries.
c. 6.	To explain and amend an Act for the better securing the Government by disarming Papists.
c. 7.	Allowing further Time to Persons to qualify themselves pursuant to the Act to prevent the further Growth of Popery.
c. 8. in pt.	For the more effectual preventing of excessive and deceitful Gaming.
c. 9. ss. 1, 4.	Explaining and amending an Act for the Relief of Mortgagees, &c.
c. 12. in pt.	Continuing and amending the Laws in relation to Butter and Tallow, &c.
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